

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Local Government and Elections, to which was referred House Bill No. 1804, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 3-5-2-1.7 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.7. "Active voter"
5 refers to **the following**:
6 **(1) For purposes of voter registration record and voter list**
7 **maintenance purposes under IC 3-7**, a voter who satisfies either
8 of the following:
9 ~~(1)~~ **(A)** The voter has registered or voted in any election during
10 the preceding four (4) years at the address indicated on the
11 voter's registration record.
12 ~~(2)~~ **(B)** The voter has not voted in any election during the
13 preceding four (4) years at the address indicated on the voter's
14 registration record and has responded in writing to an address
15 confirmation notice sent under IC 3-7 not later than thirty (30)
16 days after the notice was sent.
17 **(2) For purposes of establishing precinct boundaries in**
18 **compliance with IC 3-11-1.5, a voter who has registered or**
19 **voted in any election during the preceding four (4) years at**

1 **the address indicated on the voter's registration record.**

2 SECTION 2. IC 3-5-2-26.4 IS ADDED TO THE INDIANA CODE
3 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: **Sec. 26.4. "Inactive voter," for voter**
5 **registration purposes and voter list maintenance purposes under**
6 **IC 3-7, refers to a voter who:**

7 **(1) is not an active voter (as defined in IC 3-5-2-1.7(1)); and**
8 **(2) has been designated as an inactive voter in compliance**
9 **with the requirements of a voter list maintenance program**
10 **conducted under IC 3-7."**

11 Page 1, line 3, after "Sec. 40.5." insert "(a)".

12 Page 1, line 14, delete "Notwithstanding subdivision (3),".

13 Page 1, delete lines 15 through 17.

14 Page 2, delete lines 1 through 5.

15 Page 2, between lines 8 and 9, begin a new paragraph and insert:

16 **"(b) Notwithstanding subsection (a)(3), a document issued to an**
17 **active or a retired member by the United States Department of**
18 **Defense, a branch of the uniformed services, the Merchant**
19 **Marines, or the Indiana National Guard that:**

20 **(1) otherwise complies with the requirements of this section;**
21 **and**

22 **(2) has no expiration date or states that the document has an**
23 **indefinite expiration date;**

24 **is sufficient proof of identification for purposes of this title.**

25 SECTION 4. IC 3-5-4-1.2 IS ADDED TO THE INDIANA CODE
26 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
27 UPON PASSAGE]: **Sec. 1.2. (a) Whenever this title requires that a**
28 **document declaring or certifying the candidacy of a person be filed**
29 **with the election division or the secretary of state as a condition for**
30 **the filing to be effective:**

31 **(1) a county election board;**

32 **(2) a circuit court clerk;**

33 **(3) a county voter registration office; or**

34 **(4) a town election board;**

35 **may not accept the filing on behalf of the election division or the**
36 **secretary of state.**

37 **(b) A county election board, circuit court clerk, county voter**
38 **registration office, or town election board that accepts a document**

that must be filed with the election division or the secretary of state as a condition for the filing to be effective:

(1) may not act as an agent of the election division or the secretary of state; and

(2) is not required to transmit the filing to the election division or the secretary of state.

(c) If a person described in subsection (b) accepts a document that must be filed with the election division of the secretary of state as a condition for the filing to be effective, the following apply:

(1) The filing is void.

(2) The name of a candidate set forth in the filing may not appear on the ballot, unless the document is filed with the election division or the secretary of state in the manner required by this title.

SECTION 5. IC 3-5-4-1.9, AS ADDED BY P.L.164-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.9. (a) **This section does not apply to a delinquent campaign finance filing received under IC 3-9.**

(b) **This section does not apply to an application for voter registration received while registration is closed under IC 3-7.**

(c) Except as otherwise provided in this title, the election division, an election board, a circuit court clerk, a county voter registration office, or any other official responsible for receiving a filing under this title may not receive a filing that is offered to be filed after a deadline for the filing provided by this title.

SECTION 6. IC 3-5-4-7, AS AMENDED BY P.L.230-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. Except as otherwise provided in this title, a reference to a federal statute or regulation in this title is a reference to the statute or regulation as in effect January 1, ~~2005~~: **2007**.

SECTION 7. IC 3-6-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) After the state chairman of a political party files a statement with the election division certifying that the party's name has been changed in accordance with all applicable party rules, a political party shall be known by the political party's new name, and the party has all the rights it had under its former name.

(b) If the state chairman of a political party files a statement under

1 subsection (a) after the printing of ballots for use at an election
 2 conducted under this title has begun, ~~the election division or the~~
 3 election board responsible for printing the ballots is not required to
 4 alter the ballots to state the new name of the political party.

5 SECTION 8. IC 3-6-4.2-14 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) Each year in
 7 which a general or municipal election is held, the election division
 8 shall call a meeting of all the members of the county election boards
 9 and the boards of registration to instruct them as to their duties under
 10 this title and federal law (including HAVA and NVRA). The election
 11 division may, but is not required to, call a meeting under this section
 12 during a year in which a general or a municipal election is not held.

13 (b) Each circuit court clerk shall attend a meeting called by the
 14 election division under this section.

15 (c) The codirectors of the election division shall set the time and
 16 place of the instructional meeting. In years in which a primary election
 17 is held, the election division:

- 18 (1) may conduct the meeting before the first day of the year; and
- 19 (2) shall conduct the meeting before primary election day.

20 The instructional meeting may not last for more than two (2) days.

21 (d) Each member of a county election board or board of registration
 22 and an individual who has been elected or selected to serve as circuit
 23 court clerk but has not yet begun serving in that office is entitled to
 24 receive all of the following **from the county general fund without**
 25 **appropriation:**

26 (1) A per diem of twenty-four dollars (\$24) for attending the
 27 instructional meeting called by the election division under this
 28 section.

29 (2) A mileage allowance at the state rate for the distance
 30 necessarily traveled in going and returning from the place of the
 31 instructional meeting called by the election division under this
 32 section.

33 (3) Reimbursement for the payment of the instructional meeting
 34 registration fee. ~~from the county general fund without~~
 35 ~~appropriation.~~

36 (4) An allowance for lodging for each night preceding conference
 37 attendance equal to the lodging allowance provided to state
 38 employees in travel status."

1 Page 2, delete lines 9 through 16.

2 Page 2, between lines 16 and 17, begin a new paragraph and insert:

3 "SECTION 9. IC 3-6-6-39, AS AMENDED BY P.L.230-2005,
4 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 UPON PASSAGE]: Sec. 39. (a) The county election board by
6 unanimous vote of the entire membership of the board may permit an
7 individual who is not a voter to serve as any precinct election officer
8 (other than inspector), or to assist a precinct election officer, if the
9 individual satisfies all the following:

- 10 (1) The individual is at least sixteen (16) years of age but not
11 ~~more than seventeen (17)~~ **eighteen (18)** years of age **or older**.
- 12 (2) The individual is a citizen of the United States.
- 13 (3) The individual is a resident of the county.
- 14 (4) The individual has a cumulative grade point average
15 equivalent to not less than 3.0 on a 4.0 scale.
- 16 (5) The individual has the written approval of the principal of the
17 school the individual attends at the time of the appointment or, if
18 the student is educated in the home, the approval of the individual
19 responsible for the education of the student.
- 20 (6) The individual has the approval of the individual's parent or
21 legal guardian.
- 22 (7) The individual has satisfactorily completed any training
23 required by the county election board.
- 24 (8) The individual otherwise is eligible to serve as a precinct
25 election officer under this chapter.

26 (b) An individual appointed to a precinct election office or assistant
27 under this section:

- 28 (1) must serve in a nonpartisan manner in accordance with the
29 standards developed by the Help America Vote Foundation under
30 36 U.S.C. 152602; and
- 31 (2) while serving as a precinct election officer or assistant:
 - 32 (A) is not required to obtain an employment certificate under
33 IC 20-33-3; and
 - 34 (B) is not subject to the limitations on time and duration of
35 employment under IC 20-33-3.

36 SECTION 10. IC 3-7-13-12, AS AMENDED BY P.L.1-2006,
37 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2007]: Sec. 12. Except as otherwise provided in this article,

1 if a county voter registration office receives a properly completed
 2 registration application during a time other than the registration period
 3 described in section 10 of this chapter, the county voter registration
 4 office shall enter the data from the application into the computerized
 5 list and designate the application as pending in the same manner as
 6 other applications received while the registration period was open are
 7 designated as pending under IC 3-7-33-5. However, the county voter
 8 registration office shall ensure that:

9 (1) the notice required under IC 3-7-33-5 is not mailed to the
 10 applicant before the first day that the registration period reopens;
 11 and

12 (2) the registration information provided by the applicant does not
 13 appear on any certified list of voters or certificate of ~~error voter~~
 14 **registration** issued under this article.

15 SECTION 11. IC 3-7-26.4-4, AS ADDED BY P.L.81-2005,
 16 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 UPON PASSAGE]: Sec. 4. **(a)** The election division may provide parts
 18 and reports from the voter registration information from the
 19 computerized list for the purposes specified under IC 3-7-26.3-29.
 20 ~~However,~~

21 **(b) Except as otherwise provided in this section,** the parts and
 22 reports provided under this section may not include information
 23 described under section 8 of this chapter.

24 **(c) The parts and reports may contain the information described**
 25 **in section 8 of this chapter if:**

26 **(1) the part or report is to be provided to an entity that:**

27 **(A) is described in section 6 of this chapter; and**

28 **(B) has previously submitted an application to the election**
 29 **division and paid any required fee to obtain the complete**
 30 **compilation; or**

31 **(2) the part or report is a purely statistical compilation that:**

32 **(A) includes the information described in section 8 of this**
 33 **chapter; and**

34 **(B) does not include any information:**

35 **(i) concerning an individual voter; or**

36 **(ii) that would permit the identification of an individual**
 37 **voter as a result of providing the compilation.**

38 **(d) The parts and reports provided under this section may not**

1 **include the complete Social Security number of any individual.**

2 SECTION 12. IC 3-7-27-6 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) As required
 4 under 42 U.S.C. 1973gg-6(i), a county voter registration office shall
 5 retain records concerning the implementation of programs and
 6 activities conducted for the purpose of ensuring the accuracy and
 7 currency of the voter registration list. These records include the
 8 following:

9 (1) Lists of names and addresses of voters who were sent notices
 10 under the voter list maintenance program.

11 (2) Information concerning whether a voter has responded to a
 12 notice described by subdivision (1) as of the date the inspection
 13 of the record is made.

14 (b) The county voter registration office shall retain the records
 15 described by this section for at least two (2) years. Except for records
 16 concerning declinations to register to vote or that indicate the identity
 17 of a voter registration agency where a person registered, the county
 18 voter registration office shall make the records available for public
 19 inspection and photocopying at a reasonable cost as provided in
 20 IC 5-14-3.

21 (c) In accordance with ~~IC 5-14-3-3(g)~~ **IC 5-14-3-3(h)** and
 22 notwithstanding any other statute, a county voter registration office
 23 shall, with regard to voter registration information concerning voters
 24 of the county on a computerized system, act in accordance with a
 25 nondiscriminatory uniform policy adopted by the county election
 26 board. The policy must either permit a person to duplicate or obtain a
 27 duplicate copy of a computer tape, computer disc, microfilm, or other
 28 similar record system that contains this voter registration information
 29 or not permit the person to duplicate or obtain a duplicate copy of the
 30 information.

31 (d) A person who requests computerized voter registration
 32 information under subsection (c) must provide a written statement that
 33 the person will not:

34 (1) use the information to solicit merchandise, goods, services, or
 35 subscriptions; or

36 (2) sell, loan, give away, or otherwise deliver the information
 37 obtained by the request to any other person;

38 for a purpose other than political activities or political fundraising

1 activities.

2 (e) Publication of information obtained under subsection (d) in a
3 news broadcast or newspaper is not prohibited.

4 SECTION 13. IC 3-7-28-12 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. ~~Not later than~~
6 ~~thirty (30) days after receipt of the reports of deceased individuals~~
7 ~~required under this article;~~ (a) Each circuit court clerk or board of
8 **county voter registration office** shall send a list of the deceased
9 persons whose registrations have been canceled to the following upon
10 request:

11 (1) The county chairman of each major political party of the
12 county.

13 (2) The chairman of the following:

14 (A) A bona fide political party of the county.

15 (B) An independent candidate's committee, if the candidate is
16 on the ballot for the next election to be conducted in the
17 county.

18 **(b) A request filed under this section may state that the list is to**
19 **include only cancellations made by the county voter registration**
20 **office within a period specified in the request.**

21 SECTION 14. IC 3-7-28-13 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. ~~Not later than~~
23 ~~thirty (30) days after preparation of a list of disfranchised voters under~~
24 ~~this article;~~ the circuit court clerk or board of (a) **Each county voter**
25 **registration office** shall send a **notice list of disfranchised voters**
26 **whose registrations have been canceled** to the following upon
27 request:

28 (1) The county chairmen of the major political parties of the
29 county.

30 (2) The chairman of the following:

31 (A) A bona fide political party of the county.

32 (B) An independent candidate's committee, if the candidate is
33 on the ballot for the next general election to be conducted in
34 the county.

35 **(b) A request filed under this section may state that the list is to**
36 **include only cancellations made by the county voter registration**
37 **office within a period specified in the request.**

38 SECTION 15. IC 3-7-28-14 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. ~~The circuit court clerk or board of~~ **(a) Each county voter registration office** shall provide a list of the names and addresses of all voters whose registrations have been canceled under this article ~~not later than sixty (60) days before election day~~ to the following upon request:

(1) The county chairmen of the major political parties of the county.

(2) The chairman of the following:

(A) A bona fide political party of the county.

(B) An independent candidate's committee participating in a primary, general, or municipal election.

~~After that date, upon request the clerk or board shall report cancellations daily and within forty-eight (48) hours after the day on which the cancellations were made, until election day.~~

(b) A request filed under this section may state that the list is to include only cancellations made by the county voter registration office within a period specified in the request.

SECTION 16. IC 3-7-33-4.5, AS AMENDED BY P.L.164-2006, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.5. (a) Except as provided in subsection (b), this section applies to an individual who:

(1) submits an application to register to vote by mail under IC 3-7-22; and

(2) has not previously voted in:

(A) a general election in Indiana (or a special election for federal office in Indiana); or

(B) a general election (or a special election for federal office) in the county where the individual has submitted an application under this chapter ~~if a statewide voter registration system is not operational in accordance with the requirements of IC 3-7-26.3 and 42 U.S.C. 15483 on the date the application is was~~ received by the county voter registration office **after December 31, 2002, and before January 1, 2006.**

(b) This section does not apply to an individual who complies with the requirements in any of the following:

(1) The individual submits an application to register to vote by mail under this chapter and includes with that mailing a copy of:

(A) a current and valid photo identification; or

- 1 (B) a current utility bill, bank statement, government check,
2 paycheck, or government document;
3 that shows the name and residence address of the voter stated on
4 the voter registration application.
- 5 (2) The individual submits an application to register to vote by
6 mail under this chapter that includes:
- 7 (A) the individual's Indiana driver's license number; or
8 (B) the last four (4) digits of the individual's Social Security
9 number;
- 10 and the county voter registration office or election division
11 matches the information submitted by the applicant with an
12 existing Indiana identification record bearing the same number,
13 name, and date of birth set forth in the voter registration
14 application.
- 15 (3) The individual is an absent uniformed services voter or
16 overseas voter.
- 17 (4) The individual is entitled to vote other than in person under
18 the federal Voting Accessibility for the Elderly and Handicapped
19 Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)) due to a determination by
20 the election division that a permanent or temporarily accessible
21 polling place cannot be provided for the individual.
- 22 (5) The individual is entitled to vote other than in person under
23 any other federal law.
- 24 (c) When a county voter registration office receives a voter
25 registration application by mail, the office shall determine whether the
26 applicant is subject to the requirements to provide additional
27 documentation under this section and 42 U.S.C. 15483.
- 28 (d) As required by 42 U.S.C. 15483, a county voter registration
29 office shall administer the requirements of this section in a uniform and
30 nondiscriminatory manner.
- 31 (e) If the county voter registration office determines that the
32 applicant:
- 33 (1) is not required to submit additional documentation under this
34 section; or
35 (2) has provided the documentation required under this section;
36 the county voter registration office shall process the application in
37 accordance with section 5 of this chapter.
- 38 (f) If the county voter registration office determines that the

1 applicant is required to submit additional documentation under this
 2 section and 42 U.S.C. 15483, the office shall process the application
 3 under section 5 of this chapter and, if the applicant is otherwise eligible
 4 to vote, add the information concerning this documentation to the
 5 voter's computerized registration entry under IC 3-7-27-20.2.

6 (g) The county voter registration office shall remove the notation
 7 described in subsection (f) after the voter votes in an election for a
 8 federal office.

9 SECTION 17. IC 3-7-33-5, AS AMENDED BY P.L.164-2006,
 10 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2007]: Sec. 5. (a) When the county voter registration office
 12 receives an application for a new registration or an application with
 13 information that revises or adds information to the applicant's current
 14 voter registration record, the county voter registration office shall
 15 determine if the applicant appears to be eligible to register to vote
 16 based on the information in the application.

17 (b) As required under 42 U.S.C. 1973gg-6(a)(2), the county voter
 18 registration office shall send a notice to each person from whom the
 19 county voter registration office receives a voter registration application.
 20 The county voter registration office shall send a notice to the applicant
 21 at the mailing address provided in the application.

22 (c) The notice required by subsection (b) must set forth the
 23 following:

- 24 (1) A statement that the application has been received.
- 25 (2) The disposition of the application by the county voter
- 26 registration office.
- 27 (3) If the county voter registration office determines that the
- 28 applicant appears to be eligible, the notice must state the
- 29 following:

30 (A) Except as provided under subsection (f), the applicant is
 31 registered to vote under the residence address when the
 32 applicant receives the notice. An applicant is presumed to
 33 have received the notice unless the notice is returned by the
 34 United States Postal Service due to an unknown or insufficient
 35 address and received by the county voter registration office not
 36 later than seven (7) days after the notice is mailed to the
 37 applicant.

38 (B) The name of the precinct in which the voter is registered.

1 (C) The address of the polling place for the precinct in which
2 the voter is registered.

3 (D) The voter's voter identification number.

4 (4) In accordance with 42 U.S.C. 1973ff-1(d), if the county voter
5 registration office has denied the application, the notice must
6 include the reasons for the denial.

7 (d) The notice required by subsection (b) may include a voter
8 registration card.

9 (e) If the notice is returned by the United States Postal Service due
10 to an unknown or insufficient address, the county voter registration
11 office shall determine that the applicant is ineligible and deny the
12 application.

13 (f) During the seven (7) days following the mailing of the notice to
14 the voter under this section, the county voter registration office shall
15 indicate in the computerized list maintained under IC 3-7-26.3 that the
16 application is pending. If the notice:

17 (1) is not returned by the United States Postal Service and
18 received by the county voter registration office at; or

19 (2) is received by the applicant by United States Postal Service
20 delivery and presented in person by the applicant to the county
21 voter registration office before;

22 the expiration of the seven (7) day period under subsection (c), the
23 county voter registration office shall indicate in the computerized list
24 that the applicant is a registered voter.

25 (g) This subsection applies if the notice is mailed by the county
26 voter registration office after the certified list is prepared under
27 IC 3-7-29. If:

28 (1) the seven (7) day period under subsection (c) expires before
29 election day;

30 (2) the applicant has not presented the notice mailed under
31 subsection (b) to the county voter registration office as provided
32 under subsection (f); and

33 (3) the applicant would otherwise have been included on the
34 certified list;

35 the county voter registration office shall prepare a certificate of ~~error~~
36 **voter registration** under IC 3-7-48 to note the addition of the voter to
37 the certified list.

38 (h) This subsection applies if the notice is mailed by the county

voter registration office after the certified list is prepared under IC 3-7-29. If:

- (1) the seven (7) day period has not expired before election day;
- and
- (2) the applicant has not presented the notice mailed under subsection (b) to the county voter registration office as provided under subsection (f);

the county voter registration office shall notify the county election board. The county election board shall certify to the inspector of the precinct where the applicant resides that the applicant's voter registration application is pending, and that the voter, subject to fulfilling the requirements of IC 3-11.7, is entitled to cast a provisional ballot.

SECTION 18. IC 3-7-34-7, AS AMENDED BY P.L.81-2005, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The county voter registration office shall certify to the NVRA official on an expedited basis a list of the registration forms that have been processed under section 6 of this chapter but do not contain information required to be supplied by the bureau of motor vehicles commission or a voter registration agency.

(b) The NVRA official shall notify the commission or agency that the commission or agency is required to supply the omitted information on an expedited basis to the county voter registration office. ~~following receipt of notice from the NVRA official.~~

SECTION 19. IC 3-7-34-13, AS AMENDED BY P.L.81-2005, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) If a registration form complies with section 9(c) of this chapter and is received after the certified list has been prepared under IC 3-7-29, the county voter registration office shall:

- (1) process the form in accordance with IC 3-7-33-5; and
- (2) if the registration application is approved, issue a certificate of ~~error voter registration~~ under IC 3-7-48.

(b) If a registration form does not comply with section 9(c) of this chapter, the county voter registration office shall process the form in accordance with IC 3-7-13-12.

SECTION 20. IC 3-7-36-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) The ~~circuit court clerk or board of county voter registration office~~ shall process an

absentee registration affidavit or form received from a voter described in section 1 of this chapter during the registration period or during the period beginning on the twenty-ninth day before the election and ending on the date that the clerk or board prepares the certified list under IC 3-7-29-1.

(b) A properly completed voter registration application described in this section is subject to the same requirements that are applicable to a properly completed voter registration application from a voter described in section 1 of this chapter during the period ending on the twenty-ninth day before the election.

SECTION 21. IC 3-7-38.2-2, AS AMENDED BY P.L.164-2006, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A voter list maintenance program conducted under this chapter must:

- (1) be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973);
- (2) not result in the removal of the name of a person from the official list of ~~voters~~ **voters** solely due to the person's failure to vote; and
- (3) be completed not later than ninety (90) days before a primary, general, or municipal election.

(b) A county voter registration office may conduct a voter list maintenance program that complies with subsection (a). In conducting a voter list maintenance program, the county voter registration office shall mail a notice described in subsection (d) to each registered voter at the residence address:

- (1) listed in the voter's registration record; and
- (2) determined by the county voter registration office not to be the voter's current residence address.

(c) A county voter registration office may use information only from the following sources to make the determination under subsection (b)(2):

- (1) The United States Postal Service National Change of Address Service.
- (2) A court regarding jury duty notices.
- (3) The return of a mailing sent by the county voter registration office to all voters in the county.

(4) The bureau of motor vehicles concerning the surrender of a voter's Indiana license for the operation of a motor vehicle to another jurisdiction.

(d) The notice described in subsection (b) must:

(1) be sent by first class United States mail, postage prepaid, by a method that requires the notice to be forwarded to the voter; and

(2) include a postage prepaid return card that:

(A) is addressed to the county voter registration office;

(B) states a date **(which must be at least thirty (30) days after the date the notice is mailed)** by which the card must be returned or the voter's registration will become inactive until the information is provided to the county voter registration office; and

(C) permits the voter to provide the voter's current residence address.

(e) If a voter returns the card described in subsection (d)(2) and provides a current residence address that establishes that the voter resides:

(1) in the county, the county voter registration office shall update the voter's registration record; or

(2) outside the county, the county voter registration office shall cancel the voter's registration.

(f) If a voter returns the card described in subsection (d)(2) after the date specified in the notice, the county voter registration office shall, when registration reopens after the next primary, general, or municipal election following the date specified in the notice, process any update or cancellation of the voter registration record indicated on the card by the voter under subsection (e). If a card is returned as undeliverable by the United States Postal Service after the date specified in subsection (d)(2)(B), the county voter registration office shall, when registration reopens after the next primary, general, or municipal election, designate the voter as inactive.

~~(f)~~ (g) If a voter does not return the card described in subsection (d)(2) by the date specified in subsection (d)(2)(B), the county voter registration office shall indicate in the voter's registration record that the voter's registration is inactive.

~~(g)~~ (h) A voter's registration that becomes inactive under subsection

~~(f)~~ (g) remains in inactive status from the date described in subsection (d)(2)(B) until the earlier of the following:

(1) The date the county voter registration office updates or cancels the voter's registration under subsection (e) after the voter provides a current residence address.

(2) The day after the second general election in which the voter has not voted or appeared to vote.

~~(h)~~ (i) After the date described in subsection ~~(g)(2)~~; **(h)(2)**, the county voter registration office shall remove the voter's registration from the voter registration records.

SECTION 22. IC 3-7-40-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The local public officials (or plan commission under IC 36-7-4-405) responsible for:

(1) naming or renaming streets;

(2) numbering or renumbering lots or structures; and

(3) converting rural route addresses to numbered addresses;

shall report the changes to the ~~circuit court clerk or board of county voter~~ registration **office** not later than the last day of the month following the month in which the change was made.

SECTION 23. IC 3-7-40-6, AS AMENDED BY P.L.164-2006, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. When notified by the NVRA official of a conversion from rural route addresses to numbered addresses under this chapter, the county voter registration office shall, as soon as practicable, amend

~~(1) the original affidavit filed by the voter to indicate the numbered address that replaces the rural route address on the affidavit; and~~

~~(2) the entry for the voter in the computerized list under IC 3-7-26.3.~~

SECTION 24. IC 3-7-43-6, AS AMENDED BY P.L.164-2006, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) This section applies to a voter who requests a cancellation of voter registration under IC 3-7-39-6.

(b) The county voter registration office of the county in which a voter registers shall send the authorization of cancellation to the county voter registration office **using the computerized list**, on an expedited basis, as required by IC 3-7-26.3. **A county voter registration office**

1 is not required to forward a paper copy of the request for
 2 cancellation of registration to another county voter registration
 3 office if the authorization of cancellation has been transmitted to
 4 the other county voter registration office using the computerized
 5 list. The county voter registration office shall retain the paper copy
 6 of the request for cancellation for the two (2) year period required
 7 under 42 U.S.C. 1974.

8 SECTION 25. IC 3-7-45-7 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) If a county voter
 10 registration office determines that:

- 11 (1) a voter has been identified as deceased in a list or report
- 12 described by this chapter; and
- 13 (2) the identification is in error;

14 the voter registration office may decline to cancel the registration and
 15 shall note the apparent error on the voter registration record.

16 (b) If a county voter registration office determines that a registration
 17 has been previously canceled in error due to a report that the voter is
 18 deceased, the voter registration office shall reinstate the registration by:

- 19 (1) correcting the registration record before a certified list of
- 20 voters is prepared under IC 3-7-29-1; or
- 21 (2) issuing a certificate of ~~error voter registration~~ under
- 22 IC 3-7-48.

23 SECTION 26. IC 3-7-48-1 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Except as
 25 otherwise provided by NVRA or in this chapter, a person whose name
 26 does not appear on the registration record may not vote, unless the
 27 ~~circuit court clerk or board of county voter~~ registration office provides
 28 a signed certificate of ~~error in the office where the permanent~~
 29 ~~registration record is kept voter registration~~ showing that the voter is
 30 legally registered in the precinct where the voter resides.

31 (b) A person whose name does not appear on the registration record
 32 may cast a provisional ballot as provided in IC 3-11.7.

33 SECTION 27. IC 3-7-48-2, AS AMENDED BY P.L.81-2005,
 34 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2007]: Sec. 2. A certificate of ~~error voter registration~~ issued
 36 under section 1 of this chapter:

- 37 (1) may be issued at any time after the production of the certified
- 38 list under IC 3-7-29;

(2) shall be executed by the circuit court clerk, or in a county with a board of registration, by both members of the board; and

(3) shall be numbered serially in the method prescribed for entry in the computerized list maintained under IC 3-7-26.3.

SECTION 28. IC 3-7-48-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. One (1) copy of the certificate of ~~error voter registration~~ shall be delivered to the inspector of the precinct of the voter's residence. The inspector shall return that copy to the circuit court clerk with other election material at the close of the polls as provided in this title. The other copy shall be delivered to the county election board and returned to the ~~circuit court clerk~~ **county voter registration office** when the polls are closed.

SECTION 29. IC 3-7-48-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. In a county with a board of registration, the circuit court clerk or board of registration shall promptly transmit all certificates of ~~error voter registration~~ to the board of registration.

SECTION 30. IC 3-8-2-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.5. (a) A person who desires to be a write-in candidate for a federal, state, legislative, or local office or school board office in a general, municipal, or school board election must file a declaration of intent to be a write-in candidate with the officer with whom declaration of candidacy must be filed under sections 5 and 6 of this chapter.

(b) The declaration of intent to be a write-in candidate required under subsection (a) must be signed before a person authorized to administer oaths and must certify the following information:

(1) The candidate's name must be printed or typewritten as:

(A) the candidate wants the candidate's name to be certified; and

(B) the candidate's name is permitted to appear under IC 3-5-7.

(2) A statement that the candidate is a registered voter and the location of the candidate's precinct and township (or ward and city or town), county, and state.

(3) The candidate's complete residence address, and if the candidate's mailing address is different from the residence address, the mailing address.

(4) The candidate's party affiliation or a statement that the

1 candidate is an independent candidate (not affiliated with any
 2 party). For purposes of this subdivision, a candidate is affiliated
 3 with a political party only if the candidate satisfies section 7(a)(4)
 4 of this chapter.

5 (5) A statement of the candidate's intention to be a write-in
 6 candidate, the name of the office, including the district, and the
 7 date and type of election.

8 (6) If the candidate is a candidate for the office of President or
 9 Vice President of the United States, a statement declaring the
 10 names of the individuals who have consented and are eligible to
 11 be the candidate's candidates for presidential electors.

12 (7) A statement that the candidate:

13 (A) is aware of the provisions of IC 3-9 regarding campaign
 14 finance and the reporting of campaign contributions and
 15 expenditures; and

16 (B) agrees to comply with the provisions of IC 3-9.

17 The candidate must separately sign the statement required by this
 18 subdivision.

19 (8) A statement as to whether the candidate has:

20 (A) been a candidate for state or local office in a previous
 21 primary or general election; and

22 (B) filed all reports required by IC 3-9-5-10 for all previous
 23 candidacies.

24 (9) If the candidate is subject to IC 3-9-1-5, a statement that the
 25 candidate has filed a campaign finance statement of organization
 26 for the candidate's principal committee or is aware that the
 27 candidate may be required to file a campaign finance statement of
 28 organization not later than noon seven (7) days after the final date
 29 to file the declaration of intent to be a write-in candidate under
 30 section 4 of this chapter.

31 (10) If the candidate is subject to IC 3-9-1-5.5, a statement that
 32 the candidate is required to file a campaign finance statement of
 33 organization under IC 3-9 after the first of either of the following
 34 occurs:

35 (A) The candidate receives more than five hundred dollars
 36 (\$500) in contributions.

37 (B) The candidate makes more than five hundred dollars
 38 (\$500) in expenditures.

(11) A statement that the candidate complies with all requirements under the laws of Indiana to be a candidate for the above named office, including any applicable residency requirements, and that the candidate is not ineligible to be a candidate due to a criminal conviction that would prohibit the candidate from serving in the office.

(12) A statement that the candidate is aware of the provisions of IC 3-6-6-7 prohibiting certain relatives of the candidate from being a precinct election officer. The candidate must separately sign the statement required by this subdivision.

~~(12)~~ (13) The candidate's signature and telephone number.

(c) At the time of filing the declaration of intent to be a write-in candidate, the write-in candidate is considered a candidate for all purposes.

(d) A write-in candidate must comply with the requirements under IC 3-8-1 that apply to the office to which the write-in candidate seeks election.

(e) A person may not be a write-in candidate in a contest for nomination or for election to a political party office.

(f) A write-in candidate for the office of President or Vice President of the United States must list at least one (1) candidate for presidential elector and may not list more than the total number of presidential electors to be chosen in Indiana.

(g) The commission shall provide that the form of a declaration of intent to be a write-in candidate includes the following information near the separate signature required by subsection (b)(7):

(1) The dates for filing campaign finance reports under IC 3-9.

(2) The penalties for late filing of campaign finance reports under IC 3-9.

(h) A declaration of intent to be a write-in candidate must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of intent to be a write-in candidate. If there is a difference between the name on the candidate's declaration of intent to be a write-in candidate and the name on the candidate's voter registration record, the officer with whom the declaration of intent to be a write-in candidate is filed shall forward the information to the voter registration officer of the appropriate county as required by

1 IC 3-5-7-6(e). The voter registration officer of the appropriate county
 2 shall change the name on the candidate's voter registration record to be
 3 the same as the name on the candidate's declaration of intent to be a
 4 write-in candidate.

5 SECTION 31. IC 3-8-2-7 IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) The declaration of each
 7 candidate required by this chapter must be signed before a person
 8 authorized to administer oaths and contain the following information:

9 (1) The candidate's name, printed or typewritten as:

10 (A) the candidate wants the candidate's name to appear on the
 11 ballot; and

12 (B) the candidate's name is permitted to appear on the ballot
 13 under IC 3-5-7.

14 (2) A statement that the candidate is a registered voter and the
 15 location of the candidate's precinct and township (or ward and
 16 city or town), county, and state.

17 (3) The candidate's complete residence address, and if the
 18 candidate's mailing address is different from the residence
 19 address, the mailing address.

20 (4) A statement of the candidate's party affiliation. For purposes
 21 of this subdivision, a candidate is considered to be affiliated with
 22 a political party only if any of the following applies:

23 (A) The most recent primary election in which the candidate
 24 voted was a primary election held by the party with which the
 25 candidate claims affiliation.

26 (B) The candidate has never voted in a primary election and
 27 claims a party affiliation.

28 (C) The county chairman of:

29 (i) the political party with which the candidate claims
 30 affiliation; and

31 (ii) the county in which the candidate resides;

32 certifies that the candidate is a member of the political party.

33 The declaration of candidacy must inform candidates how party
 34 affiliation is determined under this subdivision and permit the
 35 candidate to indicate on the declaration of candidacy which of
 36 clauses (A), (B), or (C) applies to the candidate. If a candidate
 37 claims party affiliation under clause (C), the candidate must
 38 attach to the candidate's declaration of candidacy the written

- 1 certification of the county chairman required by clause (C).
 2 (5) A statement that the candidate complies with all requirements
 3 under the laws of Indiana to be a candidate for the above named
 4 office, including any applicable residency requirements, and that
 5 the candidate is not ineligible to be a candidate due to a criminal
 6 conviction that would prohibit the candidate from serving in the
 7 office.
 8 (6) A request that the candidate's name be placed on the official
 9 primary ballot of that party to be voted on, the office for which the
 10 candidate is declaring, and the date of the primary election.
 11 (7) A statement that the candidate:
 12 (A) is aware of the provisions of IC 3-9 regarding campaign
 13 finance and the reporting of campaign contributions and
 14 expenditures; and
 15 (B) agrees to comply with the provisions of IC 3-9.
 16 The candidate must separately sign the statement required by this
 17 subdivision.
 18 (8) A statement as to whether the candidate has been a candidate
 19 for state or local office in a previous primary or general election
 20 and whether the candidate has filed all reports required by
 21 IC 3-9-5-10 for all previous candidacies.
 22 (9) If the candidate is subject to IC 3-9-1-5, a statement that the
 23 candidate has filed a campaign finance statement of organization
 24 for the candidate's principal committee or is aware that the
 25 candidate may be required to file a campaign finance statement of
 26 organization not later than noon seven (7) days after the final date
 27 to file the declaration of candidacy under section 11 of this
 28 chapter.
 29 **(10) A statement that the candidate is aware of the provisions**
 30 **of IC 3-6-6-7 prohibiting certain relatives of the candidate**
 31 **from being a precinct election officer. The candidate must**
 32 **separately sign the statement required by this subdivision.**
 33 ~~(10)~~ (11) The candidate's signature.
 34 (b) The commission shall provide that the form of a declaration of
 35 candidacy includes the following information near the separate
 36 signature required by subsection (a)(7):
 37 (1) The dates for filing campaign finance reports under IC 3-9.
 38 (2) The penalties for late filing of campaign finance reports under

1 IC 3-9.

2 (c) A declaration of candidacy must include a statement that the
3 candidate requests the name on the candidate's voter registration record
4 be the same as the name the candidate uses on the declaration of
5 candidacy. If there is a difference between the name on the candidate's
6 declaration of candidacy and the name on the candidate's voter
7 registration record, the officer with whom the declaration of candidacy
8 is filed shall forward the information to the voter registration officer of
9 the appropriate county as required by IC 3-5-7-6(e). The voter
10 registration officer of the appropriate county shall change the name on
11 the candidate's voter registration record to be the same as the name on
12 the candidate's declaration of candidacy.

13 SECTION 32. IC 3-8-5-10.5 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10.5. (a) A person who
15 desires to be nominated for a town office by a major political party
16 must file a declaration of candidacy with the circuit court clerk of the
17 county containing the greatest percentage of population of the town.

18 (b) A declaration of candidacy must be filed:

19 (1) not earlier than January 1; and

20 (2) not later than:

21 (A) noon August 1 before a municipal election if the town
22 nominates its candidates by convention; and

23 (B) the date that a declaration of candidacy must be filed under
24 IC 3-8-2-4 if the town nominates its candidates by a primary
25 election.

26 (c) The declaration must be subscribed and sworn to (or affirmed)
27 before a notary public or other person authorized to administer oaths.

28 (d) The declaration of each candidate required by this section must
29 certify the following information:

30 (1) The candidate's name, printed or typewritten as:

31 (A) the candidate wants the candidate's name to appear on the
32 ballot; and

33 (B) the candidate's name is permitted to appear on the ballot
34 under IC 3-5-7.

35 (2) That the candidate is a registered voter and the location of the
36 candidate's precinct and township (or the ward and town), county,
37 and state.

38 (3) The candidate's complete residence address and the

- 1 candidate's mailing address if the mailing address is different
 2 from the residence address.
- 3 (4) The candidate's party affiliation and the office to which the
 4 candidate seeks nomination, including the district designation if
 5 the candidate is seeking a town legislative body seat.
- 6 (5) That the candidate complies with all requirements under the
 7 laws of Indiana to be a candidate for the above named office,
 8 including any applicable residency requirements, and is not
 9 ineligible to be a candidate due to a criminal conviction that
 10 would prohibit the candidate from serving in the office.
- 11 **(6) A statement that the candidate is aware of the provisions**
 12 **of IC 3-6-6-7 prohibiting certain relatives of the candidate**
 13 **from being a precinct election officer. The candidate must**
 14 **separately sign the statement required by this subdivision.**
- 15 ~~(6)~~ (7) The candidate's signature.
- 16 (e) This subsection does not apply to a town whose municipal
 17 election is to be conducted by a county. Immediately after the deadline
 18 for filing, the circuit court clerk shall do all of the following:
- 19 (1) Certify to the town clerk-treasurer and release to the public a
 20 list of the candidates of each political party for each office. The
 21 list shall indicate any candidates of a political party nominated for
 22 an office under this chapter because of the failure of any other
 23 candidates of that political party to file a declaration of candidacy
 24 for that office.
- 25 (2) Post a copy of the list in a prominent place in the circuit court
 26 clerk's office.
- 27 (3) File a copy of each declaration of candidacy with the town
 28 clerk-treasurer.
- 29 (f) A person who files a declaration of candidacy for an elected
 30 office for which a per diem or salary is provided for by law is
 31 disqualified from filing a declaration of candidacy for another office for
 32 which a per diem or salary is provided for by law until the original
 33 declaration is withdrawn.
- 34 (g) A person who files a declaration of candidacy for an elected
 35 office may not file a declaration of candidacy for that office in the same
 36 year as a member of a different political party until the original
 37 declaration is withdrawn.
- 38 (h) A person who files a declaration of candidacy under this section

1 may file a written notice withdrawing the person's declaration of
 2 candidacy in the same manner as the original declaration was filed, if
 3 the notice of withdrawal is filed not later than:

4 (1) noon August 1 before the municipal election if the town
 5 nominates its candidates by convention; and

6 (2) the date that a declaration of candidacy may be withdrawn
 7 under IC 3-8-2-20 if the town nominates its candidates in a
 8 primary election.

9 (i) A declaration of candidacy must include a statement that the
 10 candidate requests the name on the candidate's voter registration record
 11 be the same as the name the candidate uses on the declaration of
 12 candidacy. If there is a difference between the name on the candidate's
 13 declaration of candidacy and the name on the candidate's voter
 14 registration record, the officer with whom the declaration of candidacy
 15 is filed shall forward the information to the voter registration officer of
 16 the appropriate county as required by IC 3-5-7-6(e). The voter
 17 registration officer of the appropriate county shall change the name on
 18 the candidate's voter registration record to be the same as the name on
 19 the candidate's declaration of candidacy.

20 SECTION 33. IC 3-8-5-14 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. ~~(a)~~ A certificate of
 22 nomination **executed under section 13 of this chapter** must be signed
 23 before a person authorized to administer oaths and certify the following
 24 information:

25 (1) The name of the party, the town where the convention was
 26 held, the date of the convention, and the date of the town election.

27 ~~(2) The name, residence, and office of each candidate that was~~
 28 ~~nominated at the convention.~~

29 ~~(3) That each candidate for town council resides in the ward for~~
 30 ~~which the person is a candidate.~~

31 ~~(4) That each candidate is a registered voter of the town and~~
 32 ~~legally qualified to hold the office for which the person is a~~
 33 ~~candidate.~~

34 ~~(5)~~ **(2)** The title of the party that the candidates represent and the
 35 device by which the candidates may be designated on the ballots
 36 (a symbol to designate the party).

37 ~~(6)~~ **(3)** The signature and residence address of the presiding
 38 officer and secretary of the convention.

~~(b) The certificate of nomination must be filed with the circuit court clerk of the county where the convention was held.~~

SECTION 34. IC 3-8-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) A petition of nomination for an office filed under section 10 of this chapter must be filed with and, except as provided in subsection (d), certified by the person with whom a declaration of candidacy must be filed under IC 3-8-2.

(b) The petition of nomination must be accompanied by the following:

(1) The candidate's written consent to become a candidate.

(2) A statement that the candidate:

(A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and

(B) agrees to comply with the provisions of IC 3-9.

The candidate must separately sign the statement required by this subdivision.

(3) If the candidate is subject to IC 3-9-1-5, a statement by the candidate that the candidate has filed a campaign finance statement of organization under IC 3-9-1-5 or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date for filing a petition for nomination under section 10 of this chapter.

(4) If the candidate is subject to IC 3-9-1-5.5, a statement by the candidate that the candidate is aware of the requirement to file a campaign finance statement of organization under IC 3-9 after the first of either of the following occurs:

(A) The candidate receives more than five hundred dollars (\$500) in contributions.

(B) The candidate makes more than five hundred dollars (\$500) in expenditures.

(5) A statement indicating whether or not each candidate:

(A) has been a candidate for state or local office in a previous primary or general election; and

(B) has filed all reports required by IC 3-9-5-10 for all previous candidacies.

(6) A statement that each candidate is legally qualified to hold the office that the candidate seeks, including any applicable residency requirements and restrictions on service due to a criminal conviction.

(7) If the petition is filed with the secretary of state for an office not elected by the electorate of the whole state, a statement signed by the circuit court clerk of each county in the election district of the office sought by the individual.

(8) Any statement of economic interests required under IC 3-8-1-33.

(9) A statement that the candidate is aware of the provisions of IC 3-6-6-7 prohibiting certain relatives of the candidate from being a precinct election officer. The candidate must separately sign the statement required by this subdivision.

(c) The statement required under subsection (b)(7) must:

(1) be certified by each circuit court clerk; and

(2) indicate the number of votes cast for secretary of state:

(A) at the last election for secretary of state; and

(B) in the part of the county included in the election district of the office sought by the individual filing the petition.

(d) The person with whom the petition of nomination must be filed under subsection (a) shall:

(1) determine whether a sufficient number of signatures as required by section 3 of this chapter have been obtained; and

(2) do one (1) of the following:

(A) If the petition includes a sufficient number of signatures, certify the petition.

(B) If the petition has an insufficient number of signatures, deny the certification.

(e) The secretary of state shall, by noon ~~August 20~~ **of the date specified under IC 3-8-7-16 for the certification of candidates and public questions by the election division:**

(1) certify; or

(2) deny certification under subsection (d) to;

each petition of nomination filed in the secretary of state's office to the appropriate county.

(f) The commission shall provide that the form of a petition of nomination includes the following information near the separate

1 signature required by subsection (b)(2):

2 (1) The dates for filing campaign finance reports under IC 3-9.

3 (2) The penalties for late filing of campaign finance reports under

4 IC 3-9.

5 (g) A candidate's consent to become a candidate must include a
6 statement that the candidate requests the name on the candidate's voter
7 registration record be the same as the name the candidate uses on the
8 consent to become a candidate. If there is a difference between the
9 name on the candidate's consent to become a candidate and the name
10 on the candidate's voter registration record, the officer with whom the
11 consent to become a candidate is filed shall forward the information to
12 the voter registration officer of the appropriate county as required by
13 IC 3-5-7-6(e). The voter registration officer of the appropriate county
14 shall change the name on the candidate's voter registration record to be
15 the same as the name on the candidate's consent to become a candidate.

16 (h) If the person with whom the petition was filed denies
17 certification under subsection (d), the person shall notify the candidate
18 immediately by certified mail.

19 (i) A candidate may contest the denial of certification under
20 subsection (d) based on:

21 (1) the circuit court clerk's or board of registration's failure to
22 certify, under section 8 of this chapter, qualified petitioners; or

23 (2) the determination described in subsection (d)(1);

24 using the procedure in IC 3-8-1-2 and section 14 of this chapter that
25 applies to questions concerning the validity of a petition of nomination.

26 SECTION 35. IC 3-8-7-8 IS AMENDED TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) Either the chairman and
28 secretary of a state convention or the state chairman and state secretary
29 of the political party holding the state convention shall certify each
30 candidate nominated at the convention to the secretary of state not later
31 than noon July 15 before the general election.

32 (b) The certificate must state the following:

33 (1) Whether each candidate nominated by the convention has
34 complied with IC 3-9-1-5 by filing a campaign finance statement
35 of organization.

36 (2) That the candidate:

37 (A) is aware of the provisions of IC 3-9 regarding campaign
38 finance and the reporting of campaign contributions and

1 expenditures; and

2 (B) agrees to comply with the provisions of IC 3-9.

3 The candidate must separately sign the statement required by this
4 subdivision.

5 **(3) That the candidate is aware of the provisions of IC 3-6-6-7**
6 **prohibiting certain relatives of the candidate from being a**
7 **precinct election officer. The candidate must separately sign**
8 **the statement required by this subdivision.**

9 (c) The commission shall prescribe the form of the certificate of
10 nomination for the offices. The commission shall provide that the form
11 of the certificate of nomination include the following information near
12 the separate signature required by subsection (b)(2):

13 (1) The dates for filing campaign finance reports under IC 3-9.

14 (2) The penalties for late filing of campaign finance reports under
15 IC 3-9.

16 (d) A certificate of nomination must include a statement that the
17 candidate requests the name on the candidate's voter registration record
18 be the same as the name the candidate uses on the certificate of
19 nomination. If there is a difference between the name on the candidate's
20 certificate of nomination and the name on the candidate's voter
21 registration record, the officer with whom the certificate of nomination
22 is filed shall forward the information to the voter registration officer of
23 the appropriate county as required by IC 3-5-7-6(e). The voter
24 registration officer of the appropriate county shall change the name on
25 the candidate's voter registration record to be the same as the name on
26 the candidate's certificate of nomination.

27 SECTION 36. IC 3-8-7-11, AS AMENDED BY P.L.230-2005,
28 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 UPON PASSAGE]: Sec. 11. (a) Except as provided in subsection (f),
30 if a political party has filed a statement with the election division (or
31 any of its predecessors) that the device selected by the political party
32 be used to designate the candidates of the political party on the ballot
33 for all elections throughout the state, the device must be used until:

34 (1) the device is changed in accordance with party rules; and

35 (2) a statement concerning the use of the new device is filed with
36 the election division.

37 (b) Except as provided in subsection (c), the device may be any
38 appropriate symbol.

(c) A political party or an independent candidate may not use **any of the following** as a device:

- (1) A symbol that has previously been filed by a political party or candidate with the election division (or any of its predecessors).
- (2) The coat of arms or seal of the state or of the United States.
- (3) The national or state flag. ~~or~~
- (4) Any other emblem common to the people.

(d) Not later than noon ~~August 20, before each~~ **seventy-four (74) days before a** general or municipal election, the election division shall provide each county election board with a camera-ready copy of the device under which the candidates of the political party or the petitioner are to be listed so that ballots may be prepared using the best possible reproduction of the device.

(e) This subsection applies to a candidate or political party whose device is not filed with the election division under subsection (a) and is to be printed only on ballots to identify candidates for election to a local office. Not later than noon ~~August 20, before each~~ **seventy-four (74) days before a general or municipal election**, the chairman of the political party or the petitioner of nomination shall file a camera-ready copy of the device under which the candidates of the political party or the petitioner are to be listed with the county election board of each county in which the name of the candidate or party will be placed on the ballot. The county election board shall provide the camera-ready copy of the device to the town election board of a town located wholly or partially within the county upon request by the town election board.

(f) If a copy of the device is not filed in accordance with subsection (a) or (e), or unless a device is designated in accordance with section 26 or 27 of this chapter, the county election board or town election board is not required to use any device to designate the list of candidates.

(g) If a device is filed with the election division or an election board after the commencement of printing of ballots for use at an election conducted under this title, the election board responsible for printing the ballots is not required to alter the ballots to include the device filed under this subsection.

SECTION 37. IC 3-8-7-25.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25.5. (a) This section does not apply to the change of a candidate's name that occurs

1 after absentee ballots have been printed bearing the candidate's name.

2 (b) A candidate who:

3 (1) is:

4 (A) nominated for election; or

5 (B) a candidate for nomination; and

6 (2) changed the candidate's legal name after:

7 (A) the candidate has been nominated; or

8 (B) the candidate has become a candidate for nomination;

9 shall file a statement setting forth the former and current legal name of
10 the candidate with the office where a declaration of candidacy or
11 certificate of nomination for the office is required to be filed. If the
12 final date and hour has not passed for filing a declaration of candidacy,
13 consent for nomination, or declaration of intent to be a write-in
14 candidate, the candidate must file the request for a change of name on
15 the form prescribed by the commission for the declaration or consent.

16 (c) The statement filed under subsection (b) must also indicate the
17 following:

18 (1) That the candidate has previously filed a change of name
19 request with a county voter registration office so that the name set
20 forth in the statement is identical to the candidate's name on the
21 county voter registration record.

22 (2) How the candidate's legal name was changed.

23 (d) Upon the filing of the statement, ~~the election division~~ and each
24 county election board shall print the candidate's legal name on the
25 ballot as set forth in the statement.

26 SECTION 38. IC 3-9-1-12 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) A
28 committee may disband at any time in the manner prescribed by this
29 section.

30 (b) The commission or a county election board may administratively
31 disband a committee in the manner prescribed by this section.

32 (c) The commission has exclusive jurisdiction to disband any of the
33 following:

34 (1) A candidate's committee for state office.

35 (2) A candidate's committee for legislative office.

36 (3) A legislative caucus committee.

37 (4) A political action committee that has filed a statement or
38 report with the election division.

- 1 (5) A regular party committee that has filed a statement or report
- 2 with the election division.
- 3 (d) A county election board has exclusive jurisdiction to disband
- 4 any of the following:
- 5 (1) A candidate's committee for a local office.
- 6 (2) A candidate's committee for a school board office.
- 7 (3) A political action committee that has filed a statement or
- 8 report with the election board, unless the political action
- 9 committee has also filed a report with the election division.
- 10 (4) A regular party committee that has filed a statement or report
- 11 with the election board, unless the regular party committee has
- 12 also filed a report with the election division.
- 13 (e) The commission or a county election board may administratively
- 14 disband a committee in the following manner:
- 15 (1) Not later than the last Friday of January of each year, the
- 16 election division or county election board shall review the list of
- 17 committees that have filed statements of organization with the
- 18 division or board under this article.
- 19 (2) If the election division or county election board determines
- 20 both of the following, the election division or county election
- 21 board may begin a proceeding before the commission or board to
- 22 administratively disband the committee:
- 23 (A) The committee has not filed any report of expenditures
- 24 during the previous three (3) calendar years.
- 25 (B) The committee last reported cash on hand in an amount
- 26 that does not exceed one thousand dollars (\$1,000), if the
- 27 committee filed a report under this article.
- 28 (3) The election division or county election board shall provide
- 29 notice of the proceeding by certified mail to the last known
- 30 address of the chairman and treasurer of the committee.
- 31 (4) The commission or board may issue an order administratively
- 32 dissolving the committee ~~and waiving any outstanding civil~~
- 33 ~~penalty previously imposed by the commission or board;~~ if the
- 34 commission or board makes the following findings:
- 35 (A) There is no evidence that the committee continues to
- 36 receive contributions, make expenditures, or otherwise
- 37 function as a committee.
- 38 ~~(B) The prudent use of public resources makes further efforts~~

1 to collect any outstanding civil penalty imposed against the
2 committee wasteful or unjust.

3 ~~(C)~~ (B) According to the best evidence available to the
4 commission or board, the dissolution of the committee will not
5 impair any contract or impede the collection of a debt or
6 judgment by any person.

7 **(5) If the commission or board administratively dissolves a**
8 **committee under subdivision (4), the commission or board**
9 **may also waive any outstanding civil penalty previously**
10 **imposed by the commission or board against the committee,**
11 **if the commission or board finds that the prudent use of**
12 **public resources makes further efforts to collect any**
13 **outstanding civil penalty imposed against the committee to be**
14 **wasteful or unjust.**

15 ~~(5)~~ (6) The election division shall arrange for the publication in
16 the Indiana Register of an order administratively disbanding a
17 committee. A county election board shall publish a notice under
18 IC 5-3-1 stating that the board has disbanded a committee under
19 this subsection. The notice must state the date of the order and the
20 name of the committee, but the board is not required to publish
21 the text of the order.

22 ~~(6)~~ (7) An order issued under this subsection takes effect
23 immediately upon its adoption, unless otherwise specified in the
24 order.

25 (f) If the chairman or treasurer of a committee wishes to disband the
26 committee, the committee must do either of the following:

27 (1) Give written notification of the dissolution and transfer a
28 surplus of contributions less expenditures to any one (1) or a
29 combination of the following:

30 (A) One (1) or more regular party committees.

31 (B) One (1) or more candidate's committees.

32 (C) The election division.

33 (D) An organization exempt from federal income taxation
34 under Section 501 of the Internal Revenue Code.

35 (E) Contributors to the committee, on a pro rata basis.

36 (2) Use the surplus in any other manner permitted under
37 IC 3-9-3-4.

38 (g) Except as provided in subsection (e) concerning the waiver of

civil penalties, a dissolution or transfer of funds does not relieve the committee or the committee's members from **any**:

- (1) civil liability, including the liability of the committee's chairman or treasurer for the payment of any debts incurred by or on behalf of the committee; or**
- (2) criminal liability.**

SECTION 39. IC 3-9-5-22, AS ADDED BY P.L.221-2005, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) This section applies only to a large contribution that is received by a candidate for a state office, the candidate's committee, or the treasurer of the candidate's committee.

(b) As used in this section, "election" refers to any of the following:

- (1) For a candidate nominated at a primary election, the primary election.
- (2) For a candidate nominated at a state convention, the state convention.
- (3) A general election.

(c) As used in this section, "large contribution" means either of the following:

(1) Contributions:

(A) that total at least one thousand dollars (\$1,000); and

(B) that are received

~~(i) after the end of a reporting period and before the deadline for the candidate's committee to file a report under section 6 of this chapter; and~~

~~(ii) not less than forty-eight (48) hours before an election.~~

(2) A single contribution that is at least ten thousand dollars (\$10,000) that is received at any time.

(d) The treasurer of a candidate's committee shall file a supplemental large contribution report with the election division not later than:

- (1) forty-eight (48) hours after a contribution described by subsection (c)(1) is received; or
- (2) noon seven (7) days after a contribution described by subsection (c)(2) is received.

(e) A report filed under this section may be filed ~~by facsimile transmission or~~ as an electronic report when the requirements of IC 3-9-4 or this chapter have been met. A report required by subsection

- 1 (d) must contain the following information for each large contribution:
 2 (1) The name of the person making the contribution.
 3 (2) The address of the person making the contribution.
 4 (3) If the person making the contribution is an individual, the
 5 individual's occupation.
 6 (4) The total amount of the contribution.
 7 (5) The dates and times the contributions making up the large
 8 contribution described in subsection (c)(1) or a large contribution
 9 described in subsection (c)(2) were received by the treasurer, the
 10 candidate, or the candidate's committee.

- 11 (f) The commission shall prescribe the form for the report required
 12 by this section."

13 Page 2, line 39, delete "A voter described by either of the following
 14 is not required".

15 Page 2, delete lines 40 through 41.

16 Page 2, line 42, delete "(1)".

17 Page 2, run in lines 39 through 42.

18 Page 3, line 1, after "resides" delete ".".

19 Page 3, line 1, reset in roman "is".

20 Page 3, reset in roman lines 2 through 3.

21 Page 3, delete lines 4 through 12.

22 Page 3, between lines 12 and 13, begin a new paragraph and insert:

23 "SECTION 41. IC 3-10-1-8, AS AMENDED BY P.L.164-2006,
 24 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2007]: Sec. 8. A person who will be a voter at the general
 26 election for which the primary is being held and whose name does not
 27 appear on the registration record of the precinct or on the certified copy
 28 of the registration record prepared under IC 3-7-29 may:

29 (1) vote if the county voter registration office provides a signed
 30 certificate of ~~error~~; **voter registration**; or

31 (2) cast a provisional ballot under IC 3-11.7, as provided by 42
 32 U.S.C. 15482.

33 SECTION 42. IC 3-10-1-12, AS AMENDED BY P.L.230-2005,
 34 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 UPON PASSAGE]: Sec. 12. (a) In those precincts where ballot card
 36 voting systems are to be used, each county election board shall prepare
 37 and distribute separate primary ballots for each political party
 38 participating in a primary election at least equal in number to one

hundred percent (100%) of the number of votes cast for the candidate of the party who received the greatest number of votes cast in the precinct at the last general election.

(b) In those precincts where ballot card voting systems are to be used, each county election board shall prepare and distribute separate ballots for voters who wish to vote in an election for a school board office or in an election on a public question being conducted on the same election day as the primary election but who do not wish to vote in the primary election for the nomination of candidates of a political party. Unless the county election board adopts an order to provide and distribute a specific and fewer number of these ballots in a precinct, the county shall provide and distribute the number of ballots for these voters in each precinct required under IC 3-11-3-11(3).

(c) In those precincts where ballot card voting systems are to be used, each county election board shall prepare and distribute separate ballots for voters who under IC 3-7-13-3 are not eligible to vote in an election for an office or in an election on a public question being conducted on the same election day as the primary election, but who wish to vote in the primary for candidates for nomination by a political party. Unless the county election board adopts an order to provide a specific and fewer number of these ballots in a precinct, the county shall provide and distribute a number of ballots at least equal in number to one hundred percent (100%) of the number of voters described by IC 3-7-13-3 registered in the precinct.

~~(b)~~ **(d)** In those precincts where electronic voting systems are to be used, the board shall determine the number of ballots required to be printed and furnished to the precincts for emergency purposes only.

SECTION 43. IC 3-10-1-31.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 31.2. (a) This subsection does not apply if a recount or contest is being conducted in a county. The county voter registration office shall complete the updating of the registration record under section 31.1 of this chapter not later than sixty (60) days after election day.**

(b) If a recount or contest is being conducted in a county, the county voter registration office shall complete the updating of the

1 **registration record under section 31.1 of this chapter not later than**
 2 **sixty (60) days after the completion of the recount or contest and**
 3 **the issuance of an order under IC 3-12-6-22.5, IC 3-12-8-17,**
 4 **IC 3-12-11-18, or IC 3-12-12-19.**

5 SECTION 44. IC 3-10-3-1 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Whenever a
 7 proposed state constitutional amendment or other public question is
 8 submitted by the general assembly under Article 16 of the Constitution
 9 of the State of Indiana to the electorate of the state for a popular vote,
 10 the election division shall certify the public question to the county
 11 election board of each county.

12 (b) If the vote is to occur at a general election, the election division
 13 shall certify by noon ~~August 20 before the election.~~ **of the date**
 14 **specified under IC 3-8-7-16 for the election division to certify**
 15 **candidates and other public questions for the general election**
 16 **ballot.** If a special election is to be held, the election division shall
 17 certify at least thirty (30) days before the election. Each county election
 18 board shall publish notice of the public question in accordance with
 19 IC 5-3-1.

20 SECTION 45. IC 3-10-8-1, AS AMENDED BY P.L.164-2006,
 21 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 UPON PASSAGE]: Sec. 1. A special election shall be held in the
 23 following cases:

24 (1) Whenever two (2) or more candidates for a federal, state,
 25 legislative, circuit, or school board office receive the highest and
 26 an equal number of votes for the office, except as provided in
 27 Article 5, Section 5 of the Constitution of the State of Indiana or
 28 in IC 20.

29 (2) Whenever a vacancy occurs in the office of United States
 30 Senator, as provided in IC 3-13-3-1.

31 (3) Whenever a vacancy occurs in the office of United States
 32 Representative, unless the vacancy:

33 (A) occurs less than thirty (30) days before a general election;
 34 **or**

35 (B) **exists following an announcement of extraordinary**
 36 **circumstances by the Speaker of the House of**
 37 **Representatives of the United States under 2 U.S.C. 8(b),**
 38 **if an election for the office would otherwise be conducted**

1 **during the period described by 2 U.S.C. 8(b)(2)(A) or 2**
 2 **U.S.C. 8(b)(2)(B).**

3 (4) Whenever a vacancy occurs in any local office, the filling of
 4 which is not otherwise provided by law.

5 (5) Whenever required by law for a public question.

6 (6) Whenever ordered by a court under IC 3-12-8-17 or the state
 7 recount commission under IC 3-12-11-18.

8 (7) Whenever required under IC 3-13-5 to fill a vacancy in a
 9 legislative office unless the vacancy occurs less than thirty (30)
 10 days before a general election.

11 SECTION 46. IC 3-10-8-7.5 IS ADDED TO THE INDIANA CODE
 12 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 13 UPON PASSAGE]: **Sec. 7.5. (a) This section applies to a special**
 14 **election to fill one (1) or more vacancies in the office of United**
 15 **States Representative under 2 U.S.C. 8(b).**

16 **(b) A special election conducted under this section shall be**
 17 **governed by other provisions of this title as far as applicable.**

18 **(c) A political party entitled to fill a candidate vacancy under**
 19 **IC 3-13-2 may nominate a candidate for election to the office under**
 20 **IC 3-13-2-3.**

21 **(d) If a candidate does not intend to affiliate with a political**
 22 **party described by subsection (c), the candidate may:**

23 **(1) be nominated as an independent or a candidate of a**
 24 **political party by petition in accordance with IC 3-8-6; or**

25 **(2) file a declaration of intent to be a write-in candidate under**
 26 **IC 3-8-2-4(b).**

27 **(e) A certificate of candidate selection under IC 3-13-2-8, a**
 28 **petition of nomination, or a declaration of intent to be a write-in**
 29 **candidate must be filed with the election division not later than**
 30 **noon thirty-five (35) days before the special election is to be**
 31 **conducted.**

32 **(f) A candidate may file a notice of withdrawal with the election**
 33 **division not later than noon thirty-three (33) days before the**
 34 **special election is to be conducted.**

35 **(g) As required under 2 U.S.C. 8(b)(5)(B), and notwithstanding**
 36 **IC 3-11-10-14, an absentee ballot cast by an absent uniformed**
 37 **services voter or an overseas voter may be received by a county**
 38 **election board up to forty-five (45) days after the absentee ballot**

1 was transmitted to the voter.

2 (h) Notwithstanding IC 3-12-5-8(a), if the ballot is determined
3 by the county election board to be otherwise valid, the circuit court
4 clerk shall file an amendment to the certified statement previously
5 filed under IC 3-12-5-6 with the election division not later than
6 noon seven (7) days following the determination of the validity of
7 the ballot. Notwithstanding IC 3-12-5-9, the election division, the
8 secretary of state, and the governor shall prepare, execute, and
9 transmit a replacement certificate of election if the amendment
10 filed under this subsection results in a different candidate receiving
11 the highest number of votes for the office.

12 SECTION 47. IC 3-10-11-10 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. If the person
14 executes the affidavit under this chapter before the inspector of the
15 precinct of the person's former residence on the day of the election, the
16 inspector shall:

- 17 (1) provide the person with a voter registration application, if
18 the person's current address is located within the same county
19 as the precinct of the person's former residence, and request
20 that the person complete and sign the application; and
- 21 (2) return the original affidavit and any completed voter
22 registration application to the circuit court clerk or board of
23 county voter registration office after the closing of the polls.

24 SECTION 48. IC 3-10-12-4, AS AMENDED BY P.L.230-2005,
25 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 UPON PASSAGE]: Sec. 4. (a) The written affirmation described in
27 section 3.4 of this chapter may be executed as follows:

- 28 (1) At the county voter registration office for the county of the
29 precinct of the person's former residence, not later than 4 p.m. on
30 the day before the election.
- 31 (2) Before the inspector of the precinct of the person's former
32 residence, if the application and statement are executed on the day
33 of the election.
- 34 (3) When the application for an absentee ballot is filed with the
35 county election board of the county of the precinct of the person's
36 former residence.

37 (b) If the person executes the affidavit under this section at the
38 county voter registration office before the day of the election, the office

1 shall furnish a copy of the affirmation to the person. The person shall
 2 present the copy to the inspector of the precinct of the person's former
 3 residence when the person offers to vote in that precinct under
 4 IC 3-11-8.

5 (c) If the person executes the affirmation under this section when
 6 filing an application for an absentee ballot, the county election board
 7 shall attach the original or a copy of the affirmation to the person's
 8 application for an absentee ballot before the application and ballot are
 9 delivered to the inspector of the precinct of the person's former
 10 residence.

11 (d) If the person executes the affirmation under this section before
 12 the inspector of the precinct of the person's former residence on the day
 13 of the election, the inspector shall:

14 **(1) provide the person with a voter registration application, if**
 15 **the person's current address is located within the same county**
 16 **as the precinct of the person's former residence, and request**
 17 **that the person complete and sign the application; and**

18 **(2) return the original affirmation to the county election board.**

19 The county election board shall forward the affidavit **and any**
 20 **completed voter registration application** to the county voter
 21 registration office after the closing of the polls.

22 SECTION 49. IC 3-11-1.5-16 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) If a
 24 proposed precinct establishment order includes a legal description of
 25 a precinct with a boundary that follows the boundary of a municipality,
 26 state legislative district, or municipal legislative district, the order must
 27 include the following:

28 (1) A description in metes and bounds that identifies the boundary
 29 as that of a municipality, state legislative district, or municipal
 30 legislative district.

31 (2) A notation on the map of the precinct indicating that the
 32 boundary is that of a municipality, state legislative district, or
 33 municipal legislative district.

34 (b) If a proposed precinct establishment order described by section
 35 9 of this chapter includes a legal description of a boundary that follows
 36 a visible feature, the order must include a description in metes and
 37 bounds **or a shape file** that identifies the visible feature that forms the
 38 boundary.".

1 Page 4, line 31, after "English" delete ",."

2 Page 5, between lines 12 and 13, begin a new paragraph and insert:

3 "SECTION 52. IC 3-11-3-29 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. (a) If a new
5 candidate is appointed or selected under IC 3-13-1 or IC 3-13-2 after
6 the printing of ballots and before the election, the ~~election division or~~
7 ~~the~~ election board may print ballots containing the name of the new
8 candidate.

9 (b) If the ~~election division or the~~ election board determines that
10 printing ballots under subsection (a) would be uneconomical or
11 impractical, the chairman or committee that made the appointment or
12 selection shall provide to the ~~division or the~~ election board the number
13 of pasters the ~~division or the~~ board determines to be necessary for all
14 ballots to reflect the appointment or selection. Pasters may not be given
15 to or received by any person except the ~~co-directors of the election~~
16 ~~division (or the~~ election board and the board's chairman.

17 (c) If a candidate entitled to be placed on the ballot changes the
18 candidate's legal name after the printing of ballots and before the
19 election, the candidate who has changed the candidate's legal name
20 shall provide to the ~~election division or the~~ election board the number
21 of pasters the ~~division or the~~ board determines to be necessary for all
22 ballots to reflect the change of name. If a candidate declines to do so
23 under this subsection, the ~~division or the~~ board is not required to
24 reprint ballots to reflect the change of legal name.

25 SECTION 53. IC 3-11-4-2, AS AMENDED BY P.L.103-2005,
26 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JANUARY 1, 2008]: Sec. 2. (a) A voter who wants to vote by absentee
28 ballot must apply to the county election board for an official absentee
29 ballot. Except as provided in subsection (b), the voter must sign the
30 absentee ballot application.

31 (b) If a voter with disabilities is unable to **complete and** sign the
32 absentee ballot application and the voter has not designated an
33 individual to serve as attorney in fact for the voter, the county election
34 board may designate an individual to **complete each part of the**
35 **application and** sign the application on behalf of the voter. If an
36 individual ~~applies files an application~~ for an absentee ballot as the
37 properly authorized attorney in fact for a voter, the attorney in fact must
38 attach a copy of the power of attorney to the application.

(c) A person may provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

- (1) The name of the individual.
- (2) The voter registration address of the individual.
- (3) The mailing address of the individual.
- (4) The date of birth of the individual.
- ~~(5) The voter identification number of the individual.~~

(d) A person may not provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

- (1) The address to which the absentee ballot would be mailed, if different from the voter registration address of the individual.
- (2) In a primary election, the major political party ballot requested by the individual.
- (3) In a primary or general election, the types of absentee ballots requested by the individual.
- (4) The reason why the individual is entitled to vote an absentee ballot:

(A) by mail; or

(B) before an absentee voter board (other than an absentee voter board located in the office of the circuit court clerk or a satellite office);

in accordance with ~~IC 3-11-4-18~~, **section 18 of this chapter**, IC 3-11-10-24, or IC 3-11-10-25.

(5) The information required under section 5.1(d) of this chapter to be provided by an individual requesting an absentee ballot.

(6) The voter identification number of the individual.

(e) If the county election board determines that an absentee ballot application does not comply with subsection (d), the board shall deny the application under section 17.5 of this chapter.

(f) A person who assists an individual in completing any information described in subsection (d) on an absentee ballot application shall state under the penalties for perjury the following information on the application:

- (1) The full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person providing

1 the assistance.

2 (2) The date this assistance was provided.

3 (3) That the person providing the assistance has complied with
4 Indiana laws governing the submission of absentee ballot
5 applications.

6 (4) That the person has no knowledge or reason to believe that the
7 individual submitting the application:

8 (A) is ineligible to vote or to cast an absentee ballot; or

9 (B) did not properly complete and sign the application.

10 (g) This subsection does not apply to an employee of the United
11 States Postal Service or a bonded courier company acting in the
12 individual's capacity as an employee of the United States Postal Service
13 or a bonded courier company. A person who receives a completed
14 absentee ballot application from the individual who has applied for the
15 absentee ballot shall file the application with the appropriate county
16 election board not later than:

17 (1) noon seven (7) days after the person receives the application;

18 or

19 (2) the deadline set by Indiana law for filing the application with
20 the board;

21 whichever occurs first.

22 (h) This subsection does not apply to an employee of the United
23 States Postal Service or a bonded courier company acting in the
24 individual's capacity as an employee of the United States Postal Service
25 or a bonded courier company. A person filing an absentee ballot
26 application, other than the person's own absentee ballot application,
27 must sign an affidavit at the time of filing the application. The affidavit
28 must be in a form prescribed by the commission. The form must
29 include the following:

30 (1) A statement of the full name, residence and mailing address,
31 and daytime and evening telephone numbers (if any) of the person
32 submitting the application.

33 (2) A statement that the person filing the affidavit has complied
34 with Indiana laws governing the submission of absentee ballot
35 applications.

36 (3) A statement that the person has no knowledge or reason to
37 believe that the individual whose application is to be filed:

38 (A) is ineligible to vote or to cast an absentee ballot; or

- 1 (B) did not properly complete and sign the application.
 2 (4) A statement that the person is executing the affidavit under the
 3 penalties of perjury.
 4 (5) A statement setting forth the penalties for perjury.
 5 (i) The county election board shall record the date and time of the
 6 filing of the affidavit.

7 SECTION 54. IC 3-11-4-3, AS AMENDED BY P.L.103-2005,
 8 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 UPON PASSAGE]: Sec. 3. Except as provided in section 6 of this
 10 chapter, an application for an absentee ballot must be received by the
 11 circuit court clerk (or, in a county subject to IC 3-6-5.2, the director of
 12 the board of elections and registration) not earlier than ninety (90) days
 13 before election day nor later than the following:

- 14 (1) Noon on election day if the voter registers to vote under
 15 IC 3-7-36-14.
 16 (2) Noon on the day before election day if the voter completes the
 17 application in the office of the circuit court clerk **and votes an**
 18 **absentee ballot under IC 3-11-10-26** or is an absent uniformed
 19 services voter or overseas voter who requests that the ballot be
 20 transmitted by fax under section 6(h) of this chapter.
 21 (3) Noon on the day before election day if:
 22 (A) the application is a mailed, transmitted by fax, or hand
 23 delivered application from a confined voter or voter caring for
 24 a confined person; and
 25 (B) the applicant requests that the absentee ballots be
 26 delivered to the applicant by an absentee voter board **under**
 27 **IC 3-11-10-25.**
 28 (4) Midnight on the eighth day before election day if the
 29 application:
 30 (A) is a mailed application; ~~or~~
 31 (B) was transmitted by fax; **or**
 32 **(C) was hand delivered;**
 33 from other voters **who request to vote by mail under**
 34 **IC 3-11-10-24.**

35 SECTION 55. IC 3-11-4-4 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Applications
 37 may be made:

- 38 (1) in person;

1 (2) by fax transmission; ~~or~~

2 (3) by mail; **or**

3 **(4) by electronic mail with a scanned image of the application**
 4 **and signature of the applicant, if transmitted by an overseas**
 5 **voter acting under section 6 of this chapter;**

6 on application forms furnished by the county election board or
 7 approved by the commission.

8 (b) Application forms shall:

9 ~~(1) be furnished to all central committees in the county no later~~
 10 ~~than:~~

11 ~~(A) June 15, for a general election or a special election ordered~~
 12 ~~under IC 3-12-8-17 or IC 3-12-11-18 following the primary~~
 13 ~~election; or~~

14 ~~(B) January 15, for a primary election or a special election~~
 15 ~~ordered under IC 3-12-8-17 or IC 3-12-11-18 following the~~
 16 ~~general election;~~

17 ~~(2) (1) be:~~

18 ~~(A) mailed; or~~

19 ~~(B) transmitted by fax; or~~

20 **(C) transmitted by electronic mail with a scanned image of**
 21 **the application;**

22 upon request, to a voter applying by mail, by telephone, **by**
 23 **electronic mail**, or by fax; and

24 ~~(3) (2) be delivered to a voter in person who applies at the circuit~~
 25 ~~court clerk's office.~~

26 (c) The county election board shall:

27 (1) accept; and

28 (2) transmit;

29 applications for absentee ballots under subsection (a) by fax **or**
 30 **electronic mail, if the county election board has access to a fax**
 31 **machine or electronic mail.** A county election board shall accept an
 32 application for an absentee ballot transmitted by fax even though the
 33 application is delivered to the county election board by a person other
 34 than the person submitting the application.

35 SECTION 56. IC 3-11-4-5.1, AS AMENDED BY P.L.1-2006,
 36 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JANUARY 1, 2008]: Sec. 5.1. (a) The commission shall prescribe the
 38 form of an application for an absentee ballot.

(b) This subsection does not apply to the form for an absentee ballot application to be submitted by an absent uniformed services voter or overseas voter that contains a standardized oath for those voters. The form of the application for an absentee ballot must do all of the following:

(1) Require the applicant to swear to or affirm under the penalties of perjury that all of the information set forth on the application is true to the best of the applicant's knowledge and belief.

(2) Require a person who assisted with the completion of the application to swear to or affirm under the penalties of perjury the statements set forth in section 2(f) of this chapter.

(3) Set forth the penalties for perjury.

(c) The form prescribed by the commission shall require that a voter who:

(1) requests an absentee ballot; and

(2) is eligible to vote in the precinct under IC 3-10-11 or IC 3-10-12;

must include the affidavit required by IC 3-10-11 or a written affirmation described in IC 3-10-12.

(d) The form prescribed by the commission must require that a voter who requests an absentee ballot provide one (1) of the following:

(1) A description of and the identification number for the proof of identification the voter would submit if the voter were voting in person.

(2) The last four (4) digits of the voter's Social Security number, if:

(A) the voter does not provide a description of the proof of identification; or

(B) the proof of identification does not have an identification number.

(e) This subsection applies after December 31, 2007. The form prescribed by the commission must include a statement that permits an applicant to indicate whether:

(1) the applicant has been certified and is currently a participant in the address confidentiality program under IC 5-26.5-2; and

(2) the applicant's legal residence is at the address set forth in

1 **the applicant's voter registration.**

2 **If the applicant confirms these statements, the applicant may**
 3 **indicate the address of the office of the attorney general as the**
 4 **address at which the applicant resides and to which the absentee**
 5 **ballot is to be mailed.**

6 SECTION 57. IC 3-11-4-17, AS AMENDED BY P.L.198-2005,
 7 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JANUARY 1, 2008]: Sec. 17. Upon receipt of an application for an
 9 absentee ballot, a circuit court clerk shall file the application in the
 10 clerk's office and record all of the following:

11 (1) The voter's name.

12 (2) The date the application is received.

13 **(3) The information required under section 5.1(d) of this**
 14 **chapter to be provided by the voter.**

15 ~~(3)~~ (4) The date the ballot is sent to the voter.

16 ~~(4)~~ (5) If mailed, the address to which the ballot is sent.

17 ~~(5)~~ (6) If transmitted by fax, the fax number to which the ballot is
 18 faxed.

19 ~~(6)~~ (7) The date the ballot is marked before the clerk or otherwise
 20 received from the voter.

21 ~~(7)~~ (8) The combined total number of absentee ballots sent by the
 22 county to absent uniformed services voters and overseas voters.

23 ~~(8)~~ (9) The total number of absentee ballots returned by voters
 24 described in subdivision ~~(7)~~ (8) in time to be counted.

25 ~~(9)~~ (10) The total number of absentee ballots described in
 26 subdivision ~~(7)~~ (8) that were counted in whole or in part.

27 ~~(10)~~ (11) Any other information that is necessary or advisable."

28 Page 5, line 15, delete "UPON PASSAGE:" and insert "JULY 1,
 29 2007]:".

30 Page 6, between lines 36 and 37, begin a new paragraph and insert:

31 "SECTION 59. IC 3-11-4-18, AS AMENDED BY P.L.164-2006,
 32 SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 UPON PASSAGE]: Sec. 18. (a) If a voter satisfies any of the
 34 qualifications described in IC 3-11-10-24 that entitle a voter to cast an
 35 absentee ballot by mail, the county election board shall, at the request
 36 of the voter, mail the official ballot, postage fully prepaid, to the voter
 37 at the address stated in the application.

38 (b) If the county election board mails an absentee ballot to a voter

1 required to file additional documentation with the county voter
 2 registration office before voting by absentee ballot under this chapter,
 3 the board shall include a notice to the voter in the envelope mailed to
 4 the voter under section 20 of this chapter. The notice must inform the
 5 voter that the voter must file the additional documentation required
 6 under IC 3-7-33-4.5 with the county voter registration office not later
 7 than noon on election day for the absentee ballot to be counted as an
 8 absentee ballot, and that, if the documentation required under
 9 IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the
 10 ballot will be processed as a provisional ballot. The commission shall
 11 prescribe the form of this notice under IC 3-5-4-8.

12 (c) Except as provided in section 18.5 of this chapter, the ballot
 13 shall be mailed:

- 14 (1) on the day of the receipt of the voter's application; or
- 15 (2) not more than five (5) days after the date of delivery of the
- 16 ballots under section 15 of this chapter;

17 whichever is later. **If the election board determines that the county**
 18 **voter registration office has received an application from the**
 19 **applicant for registration at an address within the precinct**
 20 **indicated on the application, and that this application is pending**
 21 **under IC 3-7-33, the ballot shall be mailed in accordance with the**
 22 **applicable deadline set forth in subdivision (1) or (2) after the**
 23 **registration application is approved.**

24 (d) In addition to the ballot mailed under subsection (c), the county
 25 election board shall mail a special absentee ballot for overseas voters.

26 (e) Except as provided in section 18.5 of this chapter, the ballot
 27 described in subsection (d):

- 28 (1) must be mailed:
- 29 (A) on the day of the receipt of the voter's application; or
- 30 (B) not more than five (5) days after the latest date for delivery
- 31 of the ballots under section 13(b) of this chapter applicable to
- 32 that election;

33 whichever is later; and

- 34 (2) may not be mailed after the absentee ballots described by
- 35 section 13(a) of this chapter have been delivered to the circuit
- 36 court clerk or the clerk's authorized deputy.

37 (f) As required by 42 U.S.C. 15481, an election board shall establish
 38 a voter education program (specific to a paper ballot or optical scan

1 ballot card provided as an absentee ballot under this chapter) to notify
 2 a voter of the effect of casting multiple votes for a single office.

3 (g) As provided by 42 U.S.C. 15481, when an absentee ballot is
 4 mailed under this section, the mailing must include:

5 (1) information concerning the effect of casting multiple votes for
 6 an office; and

7 (2) instructions on how to correct the ballot before the ballot is
 8 cast and counted, including the issuance of replacement ballots.

9 SECTION 60. IC 3-11-8-2 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. A voter shall
 11 vote at the polls for the precinct where the voter resides except when
 12 authorized to vote in another precinct under IC 3-10-10, IC 3-10-11, **or**
 13 ~~IC 3-10-12. or at a special voting poll under section 6.5 of this chapter.~~

14 SECTION 61. IC 3-11-8-3.1 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.1. (a) A county
 16 executive shall designate the polls for each precinct not less than
 17 twenty-nine (29) days before election day.

18 (b) The designation of a polling place under this section remains in
 19 effect until:

20 (1) the location of the polling place is altered by an order of the
 21 county executive or county election board under this chapter; or

22 (2) a precinct establishment order issued under IC 3-11-1.5:

23 (A) designates a new polling place location; or

24 (B) combines the existing precinct with another precinct
 25 established by the order.

26 ~~(c) The county executive shall then file the report required by~~
 27 ~~section 6.5 of this chapter concerning polls that are inaccessible to~~
 28 ~~voters with disabilities.~~

29 SECTION 62. IC 3-11-8-3.2 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.2. (a) A county
 31 executive shall give ten (10) days notice of the place of voting in each
 32 precinct by publication in the manner prescribed by IC 5-3-1-4. The
 33 notice must ~~include the following information:~~

34 ~~(1) For each precinct, state whether the polls are located in an~~
 35 ~~accessible facility.~~

36 ~~(2) If special polling places are designated under section 6.5 of~~
 37 ~~this chapter:~~

38 ~~(A) the location of each special polling place; and~~

1 ~~(B) the procedures for elderly voters and voters with~~
 2 ~~disabilities to apply to vote at a special polling place.~~

3 (b) If it is necessary to change a place for voting after giving notice,
 4 notice of the change shall be given in the same manner. However,
 5 except as provided in subsection (c), a change may not be made within
 6 two (2) days before an election.

7 (c) If the county election board determines by a unanimous vote of
 8 the board's entire membership that the use of a polling place at an
 9 election would be dangerous or impossible, the county election board
 10 may order the relocation of the polling place during the final two (2)
 11 days before an election. The county election board shall give the best
 12 possible notice of this change to news media and the voters of the
 13 precinct. If an order is adopted under this subsection, the order expires
 14 after the election.

15 SECTION 63. IC 3-11-8-6 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. ~~Except as~~
 17 ~~provided in section 6.5 of this chapter,~~ The county executive shall
 18 locate the polls for each precinct in an accessible facility.

19 SECTION 64. IC 3-11-8-22.1, AS ADDED BY P.L.164-2006,
 20 SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2007]: Sec. 22.1. (a) This subsection applies to a voter:

- 22 (1) whose name does not appear on the poll list for the precinct;
 23 and
 24 (2) who produces a certificate of ~~error~~ **voter registration** issued
 25 under IC 3-7-48-1.

26 If the voter is not challenged under IC 3-10-1 or this chapter, the voter
 27 shall be provided with a regular official ballot. However, as provided
 28 by IC 3-7-48-1(b), if the voter is challenged under IC 3-10-1 or this
 29 chapter, the voter must cast a provisional ballot after complying with
 30 IC 3-7-48-7.5 if the voter wishes to cast a ballot.

31 (b) This subsection applies to a voter:

- 32 (1) whose name does not appear on the poll list for the precinct;
 33 and
 34 (2) who makes an oral or a written affirmation in compliance with
 35 IC 3-7-48-5 that the voter continues to reside in the precinct at the
 36 address shown as the voter's former residence in the voter
 37 registration record.

38 If the voter is not challenged under IC 3-10-1 or this chapter, the voter

1 shall be provided with a regular official ballot. However, as provided
2 by IC 3-7-48-7.5, if the voter is challenged under IC 3-10-1 or this
3 chapter, the voter must cast a provisional ballot after complying with
4 IC 3-7-48-7.5 if the voter wishes to cast a ballot.

5 (c) This subsection applies to a voter:

6 (1) whose name does not appear on the poll list for the precinct;
7 and

8 (2) who produces a registration receipt that complies with
9 IC 3-7-48-7.

10 If the county election board provides the precinct election board with
11 the information required under IC 3-7-48-7(a)(2) and the voter is not
12 challenged under IC 3-10-1 or this chapter, the voter shall be provided
13 with a regular official ballot. However, as provided by IC 3-7-48-7.5,
14 if the voter is challenged under IC 3-10-1 or this chapter, the voter
15 must cast a provisional ballot after complying with IC 3-7-48-7.5 if the
16 voter wishes to cast a ballot.

17 (d) This subsection applies to a voter:

18 (1) whose name does not appear on the poll list for the precinct;
19 and

20 (2) who is not described by subsection (a), (b), or (c).

21 If the voter is challenged under IC 3-10-1 or this chapter, the voter
22 shall be provided with a provisional ballot under IC 3-11.7 instead of
23 a regular official ballot if the voter wishes to cast a ballot. The voter
24 may proceed to cast a provisional ballot after executing a challenged
25 voter's affidavit under section 23 of this chapter if the voter wishes to
26 cast a ballot.

27 (e) This subsection applies to a voter:

28 (1) whose name appears on the poll list for the precinct; and

29 (2) who no longer resides in the precinct but is entitled to vote at
30 the precinct under IC 3-10-10, IC 3-10-11, or IC 3-10-12.

31 If the voter executes an affidavit in compliance with IC 3-10-10,
32 IC 3-10-11, or IC 3-10-12 and the voter is not challenged under
33 IC 3-10-1 or this chapter, the voter shall be provided with a regular
34 official ballot. However, as provided by IC 3-10-10-9, IC 3-10-11-4.5,
35 or IC 3-10-12-5, if the voter is challenged under IC 3-10-1 or this
36 chapter, the voter must cast a provisional ballot if the voter wishes to
37 cast a ballot.

38 (f) This subsection applies to a voter:

- 1 (1) whose name appears on the poll list for the precinct; and
- 2 (2) who is not described in subsection (e).

3 If the voter is challenged under IC 3-10-1 or this chapter, the voter
 4 shall be provided with a provisional ballot under IC 3-11.7 rather than
 5 a regular official ballot if the voter wishes to cast a vote. The voter may
 6 proceed to cast a provisional ballot after executing a challenged voter's
 7 affidavit under section 23 of this chapter if the voter wishes to cast a
 8 ballot.

9 SECTION 65. IC 3-11-8-23, AS AMENDED BY P.L.164-2006,
 10 SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 UPON PASSAGE]: Sec. 23. (a) If a challenged voter has already made
 12 an affirmation or executed an affidavit under IC 3-7-48-7.5,
 13 IC 3-10-10-9, IC 3-10-11-4.5, or IC 3-10-12-5, the challenged voter is
 14 not required to execute an additional affidavit under this section.

15 (b) The affidavit of a challenged voter required by section 22.1 of
 16 this chapter must be sworn and affirmed and must contain the
 17 following:

- 18 (1) A statement that the voter is a citizen of the United States.
- 19 (2) The voter's date of birth to the best of the voter's information
 20 and belief.
- 21 (3) A statement that the voter has been a resident of the precinct
 22 for thirty (30) days immediately before this election or is qualified
 23 to vote in the precinct under IC 3-10-10, IC 3-10-11, or
 24 IC 3-10-12.
- 25 (4) The voter's name and a statement that the voter is generally
 26 known by that name.
- 27 (5) A statement that the voter has not voted and will not vote in
 28 any other precinct in this election.
- 29 (6) The voter's occupation.
- 30 (7) The voter's current residential address, including the street or
 31 number, and if applicable, the voter's residential address thirty
 32 (30) days before the election, and the date the voter moved.
- 33 (8) A statement that the voter understands that making a false
 34 statement on the affidavit is punishable under the penalties of
 35 perjury.
- 36 (9) If the individual's name does not appear on the registration
 37 list, a statement that the individual registered to vote and where
 38 the individual believes the individual registered to vote during the

- 1 registration period described by
- 2 ~~(A) IC 3-7-13-10. or~~
- 3 ~~(B) IC 3-7-36-11, if the voter registered under that section."~~
- 4 Page 7, line 17, delete "A voter described by either of the following
- 5 is not required".
- 6 Page 7, delete line 18.
- 7 Page 7, line 19, delete "(1)".
- 8 Page 7, line 20, after "resides" delete ".".
- 9 Page 7, line 20, reset in roman "is".
- 10 Page 7, reset in roman lines 21 through 22.
- 11 Page 7, run in lines 17 through 22.
- 12 Page 7, delete lines 23 through 31.
- 13 Page 8, line 32, delete "UPON PASSAGE]:" and insert "JULY 1,
- 14 2007]:".
- 15 Page 8, line 41, delete "registration." and insert "**registration, if this**
- 16 **signature is available. If the signature on the voter's affidavit of**
- 17 **registration is not available, the board shall compare the signature**
- 18 **as it appears on the ballot envelope with the signature of the voter**
- 19 **as it appears on the voter's application for an absentee ballot."**
- 20 Page 9, line 7, delete "registration." and insert "**registration, if this**
- 21 **signature is available. If the signature on the voter's affidavit of**
- 22 **registration is not available, the board shall compare the signature**
- 23 **as it appears on the ballot envelope with the signature of the voter**
- 24 **as it appears on the voter's application for an absentee ballot."**
- 25 Page 9, line 15, delete "JULY 1, 2007]:" and insert "UPON
- 26 PASSAGE]:".
- 27 Page 9, line 20, strike "large or".
- 28 Page 9, line 25, strike "name and".
- 29 Page 9, line 30, delete "UPON PASSAGE]:" and insert "JULY 1,
- 30 2007]:".
- 31 Page 9, line 35, after "to" insert "**board**".
- 32 Page 10, line 29, delete "UPON PASSAGE]:" and insert "JULY 1,
- 33 2007]:".
- 34 Page 10, line 29, after "to" insert "**IC 3-10-8-7.5 and**".
- 35 Page 11, line 7, delete "UPON PASSAGE]:" and insert "JULY 1,
- 36 2007]:".
- 37 Page 11, line 16, delete "envelope." and insert "envelope, **if the**
- 38 **signature on the voter's affidavit of registration is available. If the**

signature on the voter's affidavit of registration is not available, the board shall compare the signature as it appears on the ballot envelope with the signature of the voter as it appears on the voter's application for an absentee ballot."

Page 11, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 72. IC 3-11-10-22, AS AMENDED BY P.L.109-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 22. (a) If an absentee ballot is challenged under section 21 of this chapter, the absentee voter's application for an absentee ballot shall be considered as the affidavit required to be made by a voter when challenged at the polls while voting in person.

(b) Except as provided in subsection (c), the challenge procedure under this section is the same as though the ballot was cast by the voter in person.

(c) An absentee voter is ~~not~~ required to provide ~~proof of identification~~. **the information described in IC 3-11-4-5.1(d).**

(d) If a proper affidavit is made that would entitle the absentee voter to vote if the absentee voter had personally appeared, then the absentee ballot shall be placed in the ballot box."

Page 12, after line 42, begin a new paragraph and insert:

"SECTION 74. IC 3-11-13-31.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 31.6. Whenever a ballot card voting system is used in a precinct and a ballot form prescribed by this title refers to a voting mark, the county election board shall approve voting instructions indicating that a specific type of marking device is employed on the system to indicate a vote.**

SECTION 75. IC 3-11-14-3.5, AS ADDED BY P.L.58-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. (a) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on ballot labels for use in an electronic voting system as provided in this chapter.

(b) The county may:

(1) print all offices and public questions on a single ballot label; and

(2) include a ballot variation code to ensure that the proper version of a ballot label is used within a precinct.

1 (c) Each type of ballot label or paster must be of uniform size and
2 of the same quality and color of paper (except as permitted under
3 IC 3-10-1-17).

4 (d) The nominees of a political party or an independent candidate
5 or independent ticket (described in IC 3-11-2-6) nominated by
6 petitioners must be listed on the ballot label with the name and device
7 set forth on the certification or petition. The circle containing the
8 device may be of any size that permits a voter to readily identify the
9 device. IC 3-11-2-5 applies if the certification or petition does not
10 include a name or device, or if the same device is selected by two (2)
11 or more parties or petitioners.

12 (e) The ballot labels must list the offices on the general election
13 ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2,
14 IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a)
15 through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). Each
16 office and public question may have a separate screen, or the offices
17 and public questions may be listed in a continuous column either
18 vertically or horizontally. However, school board offices, public
19 questions concerning the retention of a justice or judge, local
20 nonpartisan judicial offices, and local public questions shall be placed
21 at the beginning of separate columns or pages.

22 (f) The name of each office must be printed in a uniform size in bold
23 type. A statement reading substantially as follows must be placed
24 immediately below the name of the office and above the name of the
25 first candidate: "Vote for not more than (insert the number of
26 candidates to be elected) candidate(s) for this office."

27 (g) Below the name of the office and the statement required by
28 subsection (f), the names of the candidates for each office must be
29 grouped together in the following order:

30 (1) The major political party whose candidate received the highest
31 number of votes in the county for secretary of state at the last
32 election is listed first.

33 (2) The major political party whose candidate received the second
34 highest number of votes in the county for secretary of state is
35 listed second.

36 (3) All other political parties listed in the order that the parties'
37 candidates for secretary of state finished in the last election are
38 listed after the party listed in subdivision (2).

- 1 (4) If a political party did not have a candidate for secretary of
 2 state in the last election or a nominee is an independent candidate
 3 or independent ticket (described in IC 3-11-2-6), the party or
 4 candidate is listed after the parties described in subdivisions (1),
 5 (2), and (3).
- 6 (5) If more than one (1) political party or independent candidate
 7 or ticket described in subdivision (4) qualifies to be on the ballot,
 8 the parties, candidates, or tickets are listed in the order in which
 9 the party filed its petition of nomination under IC 3-8-6-12.
- 10 (6) A space for write-in voting is placed after the candidates listed
 11 in subdivisions (1) through (5), if required by law. **A space for**
 12 **write-in voting for an office is not required if there are no**
 13 **declared write-in candidates for that office. However,**
 14 **procedures must be implemented to permit write-in voting for**
 15 **candidates for federal offices.**
- 16 (7) The name of a write-in candidate may not be listed on the
 17 ballot.
- 18 (h) The names of the candidates grouped in the order established by
 19 subsection (g) must be printed in type with uniform capital letters and
 20 have a uniform space between each name. The name of the candidate's
 21 political party, or the word "Independent", if the:
- 22 (1) candidate; or
 23 (2) ticket of candidates for:
- 24 (A) President and Vice President of the United States; or
 25 (B) governor and lieutenant governor;
- 26 is independent, must be placed immediately below or beside the name
 27 of the candidate and must be printed in uniform size and type.
- 28 (i) All the candidates of the same political party for election to
 29 at-large seats on the fiscal or legislative body of a political subdivision
 30 must be grouped together:
- 31 (1) under the name of the office that the candidates are seeking;
 32 (2) in the party order established by subsection (g); and
 33 (3) within the political party, in alphabetical order according to
 34 surname.
- 35 A statement reading substantially as follows must be placed
 36 immediately below the name of the office and above the name of the
 37 first candidate: "Vote for not more than (insert the number of
 38 candidates to be elected) candidate(s) of ANY party for this office."

(j) Candidates for election to at-large seats on the governing body of a school corporation must be grouped:

(1) under the name of the office that the candidates are seeking;

and

(2) in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office."

(k) The cautionary statement described in IC 3-11-2-7 must be placed at the top or beginning of the ballot label before the first office is listed.

(l) The instructions described in IC 3-11-2-8, IC 3-11-2-10(c), and IC 3-11-2-10(d) may be:

(1) placed on the ballot label; or

(2) posted in a location within the voting booth that permits the voter to easily read the instructions.

(m) The ballot label must include a touch sensitive point or button for voting a straight political party or independent ticket (described in IC 3-11-2-6) by one (1) touch, and the touch sensitive point or button must be identified by:

(1) the name of the political party or independent ticket; and

(2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket (described in IC 3-11-2-5).

The name and device of each party or ticket must be of uniform size and type, and arranged in the order established by subsection (g) for listing candidates under each office. The instructions described in IC 3-11-2-10(b) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 may be placed on the ballot label or in a location within the voting booth that permits the voter to easily read the instructions.

(n) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive point or button must be used instead of a square. Except as expressly authorized or required by statute, a county election board may not print a ballot label that contains language concerning the public question other than the language authorized by a statute.

(o) The requirements in this section:

(1) do not replace; and

(2) are in addition to;

any other requirements in this title that apply to ballots for electronic voting systems.

(p) The procedure described in IC 3-11-2-16 must be used when a ballot label does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters.

SECTION 76. IC 3-11-14-22.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 22.5. Whenever an electronic voting system is used in a precinct and a ballot form prescribed by this title refers to a voting mark, the county election board shall approve voting instructions indicating that a specific type of marking device is employed on the system to indicate a vote.**

SECTION 77. IC 3-11-15-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. Each application for certification of a voting system shall be accompanied by a fee of one thousand five hundred dollars (\$1,500). **All fees collected under this section shall be deposited with the treasurer of state in the voting system technical oversight program account established by IC 3-11-17-6.**

SECTION 78. IC 3-11-17-2, AS ADDED BY P.L.221-2005, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. In addition to any other penalty imposed, a vendor who knowingly, recklessly, or negligently sells, leases, installs, implements, or permits the use of a voting system ~~in an election conducted in Indiana~~ in violation of this title is subject to a civil penalty under this chapter.

SECTION 79. IC 3-11-17-3, AS ADDED BY P.L.221-2005, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. **(a)** If the secretary of state determines that a vendor is subject to a civil penalty under section 2 of this chapter, the secretary of state may assess a civil penalty. The civil penalty assessed under this section may not exceed three hundred thousand dollars (\$300,000), plus any investigative costs incurred and documented by the secretary of state.

(b) In computing the maximum civil penalty that may be assessed under subsection (a), if a violation occurs in more than one (1) county, the violation is considered a separate violation in each county in which the violation occurs.

SECTION 80. IC 3-11-17-4, AS ADDED BY P.L.221-2005, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. The secretary of state is **not** subject to IC 4-21.5 in imposing a civil penalty under this chapter.

SECTION 81. IC 3-11-17-6, AS ADDED BY P.L.221-2005, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The voting system technical oversight program account is established with the state general fund to provide money for:

(1) administering and enforcing IC 3-11-7, IC 3-11-7.5, IC 3-11-15, IC 11 3-11-16, and this chapter **by the secretary of state and the election division; and**

(2) **the investigation by the secretary of state of alleged violations of this title.**

(b) The election division shall administer the account. With the approval of the budget agency, funds in the account are available to augment and supplement the funds appropriated to the **secretary of state or the election division** for the purposes described in this section.

(c) The expenses of administering the account shall be paid from the money in the account.

(d) The account consists of **the following:**

(1) All civil penalties collected under this chapter.

(2) **Fees collected under IC 3-11-15-4.**

(3) **Contributions to the account made in accordance with a settlement agreement executed with a voting system vendor.**

(e) **Money in the account at the end of a state fiscal year does not revert to the state general fund.**

(f) **All money in the account is continuously appropriated for the purposes specified in subsection (a).**

SECTION 82. IC 3-11-17.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 17.5. Audits to Determine Compliance With Federal and State Election Record Retention Requirements

1 **Sec. 1. Beginning January 1, 2008, the secretary of state shall**
 2 **conduct audits of the status of precinct election material retained**
 3 **by a circuit court clerk under IC 3-10-1-31 and IC 3-10-1-31.1.**

4 **Sec. 2. The secretary of state shall determine whether the**
 5 **precinct election material has been preserved in compliance with**
 6 **42 U.S.C. 1974 and this title.**

7 **Sec. 3. Not later than the first Monday of June each year, the**
 8 **secretary of state shall randomly select one percent (1%) of all**
 9 **precincts in Indiana to be audited under this chapter.**

10 **Sec. 4. If the secretary of state determines that precinct election**
 11 **material is not being preserved in compliance with 42 U.S.C. 1974**
 12 **and this title, the secretary of state shall provide a written report**
 13 **describing the noncompliance or any other observation concerning**
 14 **compliance with other election laws noted during the audit to the**
 15 **county election board of the county that is responsible for the**
 16 **precinct election material.**

17 SECTION 83. IC 3-11-18-5, AS ADDED BY P.L.164-2006,
 18 SECTION 119, IS AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except for a municipality
 20 described in subsection (b), a plan must provide a vote center for use
 21 by voters residing in each municipality within the county conducting
 22 a municipal primary or a municipal election.

23 (b) ~~A vote center may not be used~~ In a municipal primary or
 24 municipal election conducted within a municipality that is partially
 25 located in a county that has ~~not~~ been designated a vote center pilot
 26 county, **a vote center may not be used by a voter who does not**
 27 **reside within that part of the municipality that is located in the**
 28 **county that has been designated a vote center pilot county."**

29 Page 13, line 2, delete "UPON PASSAGE]" and insert "JULY 1,
 30 2007]:".

31 Page 13, line 12, delete "registration." and insert "**registration, if**
 32 **this signature is available. If the signature on the voter's affidavit**
 33 **of registration is not available, the board shall compare the**
 34 **signature as it appears on the ballot envelope with the signature of**
 35 **the voter as it appears on the application for an absentee ballot."**

36 Page 13, line 15, delete "UPON PASSAGE]" and insert "JULY 1,
 37 2007]:".

38 Page 13, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 86. IC 3-11.5-4-16, AS AMENDED BY P.L.164-2006, SECTION 120, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 16. (a) If an absentee ballot is challenged under section 15 of this chapter, the absentee voter's application for an absentee ballot shall be considered as the affidavit required to be made by a voter when challenged at the polls while voting in person.

(b) Except as provided in subsection (c), the challenge procedure under this section is the same as though the ballot was cast by the voter in person.

(c) An absentee voter is ~~not~~ required to provide ~~proof of identification~~. **the information described in IC 3-11-4-5.1(d).**

(d) If a proper affidavit by a qualified person in the form required by IC 3-11-8-22.1 is made that would entitle the absentee voter to vote if the absentee voter had personally appeared, the couriers shall return the affidavit to the county election board in the same envelope as the certificate returned under section 9 of this chapter.

(e) The absentee ballot cast by the challenged voter shall be counted if the county election board makes the findings required under section ~~11~~ **12** of this chapter."

Page 13, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 88. IC 3-11.5-5-14, AS AMENDED BY P.L.198-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) This section applies to the counting of write-in absentee ballots for:

- (1) a federal office received under 42 U.S.C. 1973ff; and
- (2) a federal office, state office, or public question under IC 3-11-4-12(a).

(b) If a voter writes an abbreviation, a misspelling, or other minor variation instead of the correct name of a candidate or political party, that vote shall be counted if the intent of the voter can be determined.

(c) If a voter casts a ballot under this section for President or Vice President and writes in the name of a candidate or political party that has not:

- (1) certified a list of electors under IC 3-10-4-5; **or**
- (2) **included a list of electors on the declaration of intent to be a write-in candidate filed by a write-in candidate under IC 3-8-2-2.5;**

the vote for President or Vice President is void. The remaining votes on the ballot may be counted.

(d) As required by 42 U.S.C. 1973ff-2(b), and except as provided in this section, an absentee ballot subject to this section shall be submitted and processed in the same manner provided by this title for a regular absentee ballot.

~~(d)~~ (e) IC 3-12-1-7 applies to a ballot subject to this section.

~~(e)~~ (f) **As required under 42 U.S.C. 1973ff-2(b)**, a ballot subject to this section may not be counted if:

(1) the ballot was submitted:

(A) by an overseas voter who is not an absent uniformed services voter; and

(B) from within the United States;

(2) the **overseas** voter's application for a regular absentee ballot was received by the ~~circuit court clerk~~ **or county election board of registration** less than thirty (30) days before the election;

(3) the voter's completed regular state absentee ballot was received by the ~~circuit court clerk~~ **or county election board of registration** by the deadline for receiving absentee ballots under IC 3-11.5-4-7; or

(4) the ballot subject to this section was not received by the ~~circuit court clerk~~ **or county election board of registration** by the deadline for receiving absentee ballots under IC 3-11.5-4-7.

SECTION 89. IC 3-11.7-2-1, AS AMENDED BY P.L.164-2006, SECTION 121, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) As provided by 42 U.S.C. 15482, this section applies to the following individuals:

(1) An individual:

(A) whose name does not appear on the registration list; and

(B) who is challenged under IC 3-10-1 or IC 3-11-8 after the voter makes an oral or a written affirmation under IC 3-7-48-5 or IC 3-7-48-7 or after the voter produces a certificate of ~~error~~ **voter registration** under IC 3-7-48-1.

(2) An individual described by IC 3-10-1-10.5, IC 3-11-8-23.5, or IC 3-11-8-27.5 who is challenged as not eligible to vote.

(3) An individual who seeks to vote in an election as a result of a court order (or any other order) extending the time established for closing the polls under IC 3-11-8-8.

(b) As required by 42 U.S.C. 15483, a voter who has registered to vote but has not:

(1) presented identification required under 42 U.S.C. 15483 to the poll clerk before voting in person under IC 3-11-8-25.1; or

(2) filed a copy of the identification required under 42 U.S.C. 15483 to the county voter registration office before the voter's absentee ballot is cast;

is entitled to vote a provisional ballot under this article.

(c) A precinct election officer shall inform an individual described by subsection (a)(1) or (a)(2) that the individual may cast a provisional ballot if the individual:

(1) is eligible to vote under IC 3-7-13-1;

(2) submitted a voter registration application during the registration period described by IC 3-7-13-10; ~~(or IC 3-7-36-11, if the voter registered under that section);~~ and

(3) executes an affidavit described in IC 3-10-1-9 or IC 3-11-8-23.

(d) A precinct election officer shall inform an individual described by subsection (a)(3) that the individual may cast a provisional ballot."

Page 13, delete lines 26 through 42.

Delete page 14.

Page 15, delete lines 1 through 18.

Page 15, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 90. IC 3-12-2-7.5, AS AMENDED BY P.L.198-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7.5. (a) This section applies to the counting of write-in absentee ballots for:

(1) a federal office received under 42 U.S.C. 1973ff; and

(2) a federal office, state office, or public question under IC 3-11-4-12.

(b) If a voter writes an abbreviation, misspelling, or other minor variation instead of the correct name of a candidate or political party, that vote shall be counted if the intent of the voter can be determined.

(c) If a voter casts a ballot under this section for President or Vice President of the United States and writes in the name of a candidate or political party that has not:

(1) certified a list of electors under IC 3-10-4-5; or

(2) included a list of electors on the declaration for candidacy filed by a write-in candidate under IC 3-8-2-2.5;

the vote for President or Vice President is void. The remaining votes on the ballot may be counted.

(d) As required by 42 U.S.C. 1973ff-2(b), and except as provided in this section, an absentee ballot subject to this section shall be submitted and processed in the same manner provided by this title for a regular absentee ballot.

~~(d)~~ (e) IC 3-12-1-7 applies to a ballot subject to this section.

~~(e)~~ (f) **As required under 42 U.S.C. 1973ff-2(b)**, a ballot subject to this section may not be counted if:

(1) the ballot was submitted:

(A) by an overseas voter who is not an absent uniformed services voter; and

(B) from within the United States;

(2) the overseas voter's application for a regular absentee ballot was received by the county election board less than thirty (30) days before the election;

~~(2)~~ (3) the voter's completed regular state absentee ballot was received by the county election board by the deadline for receiving absentee ballots under IC 3-11-10-11; or

~~(3)~~ (4) the ballot subject to this section was not received by the county election board by the deadline for receiving absentee ballots under IC 3-11-10-11."

Page 15, line 22, after "may" insert ",".

Page 15, line 23, after "to" insert **"upon the adoption of an order by unanimous vote of the entire membership of the board,"**.

Page 15, line 27, after "inspection" insert ", **after filing notice of the order authorizing the inspection with the secretary of state,"**.

Page 15, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 92. IC 3-12-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Each petitioner shall furnish a cash deposit or file a bond with corporate surety to the approval of the court for the payment of all costs of the recount. The minimum amount of the cash deposit or bond is one hundred dollars (\$100). **The maximum amount of the cash deposit or bond may not exceed the amount specified under subsection (b) or (c).**

(b) This subsection applies if, on the face of the election returns, the difference between the number of votes cast for the candidate

1 nominated or elected and the petitioner is not more than one percent
 2 (1%) of the total votes cast for all candidates for the nomination or
 3 office. If the number of precincts to be recounted exceeds ten (10), the
 4 amount of the deposit or bond shall be increased by ten dollars (\$10)
 5 for each precinct in excess of ten (10).

6 (c) This subsection applies if, on the face of the election returns, the
 7 difference between the number of votes cast for the candidate
 8 nominated or elected and the petitioner is more than one percent (1%)
 9 of the total votes cast for all candidates for the nomination or office. If
 10 the number of precincts to be recounted exceeds ten (10), the amount
 11 of the deposit or bond shall be increased by one hundred dollars (\$100)
 12 for each precinct in excess of ten (10).

13 (d) If a petition is joint, a joint bond may be furnished.

14 (e) The costs of a recount may include the following:

15 (1) Compensation of recount commissioners.

16 (2) Compensation of additional employees required to conduct the
 17 recount, including overtime payments to regular employees who
 18 are eligible to receive such payments.

19 (3) Postage and telephone charges directly related to the recount.

20 (f) The costs of a recount may not include the following:

21 (1) General administrative costs.

22 (2) Security.

23 (3) Allowances for meals or lodging.

24 (g) If the recount results in a reduction of at least fifty percent (50%)
 25 but less than one hundred percent (100%) of the margin of the total
 26 certified votes, the petitioner shall receive a refund of that percentage
 27 of the unexpended balance. If after a recount, it is determined that a
 28 petitioner has been nominated or elected, the deposit or the bond
 29 furnished by that petitioner shall be returned to that petitioner in full.

30 (h) Any unexpended balance remaining in a deposit after payment
 31 of all costs of the recount and the refund, if a refund is made, shall be
 32 deposited in the county general fund.

33 SECTION 93. IC 3-13-1-1 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. Except as
 35 provided in section 18 or 20 of this chapter or **IC 3-10-8-7.5**, this
 36 chapter applies to the filling of a candidate vacancy that arises for any
 37 reason if the vacancy leaves a major political party without a candidate
 38 for the office and occurs before the thirtieth day before a general,

1 special, or municipal election.

2 SECTION 94. IC 3-13-1-4 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **Except as**
4 **provided in IC 3-10-8-7.5**, a candidate vacancy for United States
5 Representative shall be filled by a caucus comprised by the precinct
6 committeemen of the political party whose precincts are within the
7 congressional district.

8 SECTION 95. IC 3-13-1-10.5 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10.5. (a) A person who
10 wishes to be a candidate for appointment to fill a candidate vacancy
11 under this chapter must file a declaration of candidacy on a form
12 prescribed by the commission with:

13 (1) the chairman of the caucus **or committee conducting a**
14 **meeting under this chapter**; and

15 (2) the official who is required to receive a certificate of candidate
16 selection following the caucus under section 15 of this chapter;
17 at least seventy-two (72) hours before the time fixed for the caucus **or**
18 **committee meeting**.

19 (b) A candidate's declaration of candidacy must include a statement
20 that the candidate requests the name on the candidate's voter
21 registration record be the same as the name the candidate uses on the
22 declaration of candidacy. If there is a difference between the name on
23 the candidate's declaration of candidacy and the name on the
24 candidate's voter registration record, the officer with whom the
25 declaration of candidacy is filed shall forward the information to the
26 voter registration officer of the appropriate county as required by
27 IC 3-5-7-6(e). The voter registration officer of the appropriate county
28 shall change the name on the candidate's voter registration record to be
29 the same as the name on the candidate's declaration of candidacy.

30 SECTION 96. IC 3-13-1-11 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) At a meeting
32 called under section 7 of this chapter, the eligible participants shall:

33 (1) establish the ~~caucus~~ rules of procedure **for the caucus or**
34 **meeting**, except as otherwise provided in this chapter; and

35 (2) select, by a majority vote of those casting a vote for a
36 candidate, a person to fill the candidate vacancy described in the
37 call for the meeting.

38 (b) If more than one (1) person seeks to fill the vacancy, the

1 selection shall be conducted by secret ballot.

2 SECTION 97. IC 3-13-1-21 IS ADDED TO THE INDIANA CODE
3 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: **Sec. 21. (a) This section applies to a certificate
5 of candidate selection filed under section 15 or 20 of this chapter.**

6 **(b) To enforce the requirements of IC 3-5-4-1.9, the election
7 division, a circuit court clerk, or any other official responsible for
8 receiving a certificate of candidate selection may not receive a
9 filing of a certificate of candidate selection if:**

- 10 **(1) a notice of a caucus or meeting;**
- 11 **(2) a declaration of candidacy filed by the individual selected
12 as the candidate; or**
- 13 **(3) the certificate of candidate selection;**
- 14 **is or was offered to be filed after the deadline for the filing
15 provided by this chapter.**

16 SECTION 98. IC 3-13-5-3 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 3. (a) The state
18 chairman (or a person designated by the state chairman) shall
19 preside over a caucus meeting held under this chapter.**

20 **(b) A person who desires to be a candidate to fill a vacancy under
21 this chapter must file:**

- 22 **(1) a declaration of candidacy with the chairman of the caucus;
23 and**
- 24 **(2) a statement of economic interests under IC 2-2.1-3-2 with the
25 secretary of the senate or principal clerk of the house of
26 representatives;**

27 **at least seventy-two (72) hours before the time fixed for the caucus.**

28 **(c) In addition to the procedures prescribed by this chapter, the
29 chairman and precinct committeemen may adopt rules of procedure
30 that are necessary to conduct business.**

31 SECTION 99. IC 3-14-2-1, AS AMENDED BY P.L.103-2005,
32 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2007]: **Sec. 1. A person who knowingly does any of the
34 following commits a Class D felony:**

- 35 **(1) Conspires with an individual for the purpose of encouraging
36 the individual to submit a false application for registration.**
- 37 **(2) Conspires with an individual for the purpose of encouraging
38 the individual to vote illegally.**

- 1 (3) Pays or offers to pay an individual for doing any of the
 2 following:
 3 (A) Applying for an absentee ballot.
 4 (B) Casting an absentee ballot.
 5 (C) Registering to vote.
 6 **(D) Requesting that another individual sign a petition to**
 7 **permit a candidate or a public question to be placed on the**
 8 **ballot at an election if the payment is based on the number**
 9 **of signatures obtained on petitions by the individual.**
 10 ~~(D)~~ (E) Voting.
 11 (4) Accepts the payment of any property for doing any of the
 12 following:
 13 (A) Applying for an absentee ballot.
 14 (B) Casting an absentee ballot.
 15 (C) Registering to vote.
 16 **(D) Requesting that another individual sign a petition to**
 17 **permit a candidate or a public question to be placed on the**
 18 **ballot at an election if the payment is based on the number**
 19 **of signatures obtained on petitions by the individual.**
 20 ~~(D)~~ (E) Voting.

21 SECTION 100. IC 3-14-2-29, AS AMENDED BY P.L.103-2005,
 22 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 UPON PASSAGE]: Sec. 29. A person who knowingly inspects a voting
 24 system under IC 3-12-4-18 without: ~~obtaining authorization from the~~
 25 ~~state recount commission~~

- 26 **(1) the adoption of an order under IC 3-12-4-18** to conduct the
 27 inspection; or
 28 **(2) the filing of an order adopted under IC 3-12-4-18 with the**
 29 **secretary of state;**
 30 commits a Class D felony.

31 SECTION 101. IC 4-8.1-2-4 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. **(a) The individual**
 33 **elected as treasurer of state shall take office on January 1 following**
 34 **the individual's election.**

35 **(b)** The treasurer of state and his deputy treasurers shall each give
 36 bond in an amount determined by the auditor of state and the governor.
 37 The bond shall be conditioned on the faithful performance of the duties
 38 as treasurer of state and deputy treasurer, respectively. The bond must

be procured from a surety company authorized by law to transact business in this state."

Page 15, line 32, delete "Services" and insert "**The agreement shall be modified to exclude services**".

Page 16, between lines 9 and 10, begin a new paragraph and insert:
 "SECTION 103. IC 5-10.2-1-8, AS AMENDED BY P.L.88-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) Except as provided in subsection (b), "vested status" as used in this article means the status of having ten (10) years of creditable service.

(b) In the case of a person who is an elected county official whose governing body has provided for the county official's participation in the public employees' retirement fund under IC 5-10.3-7-2(1), "vested status" means the status of having:

(1) at least eight (8) years of creditable service as an elected county official in an office described in IC 5-10.2-4-1.7;

(2) been elected at least two (2) times if the person would have had at least eight (8) years of creditable service as an elected county official in an office described in IC 5-10.2-4-1.7 had the person's term of office not been shortened under a statute enacted under Article 6, Section 2(b) of the Constitution of the State of Indiana; or

(3) at least ten (10) years of creditable service as a member of the fund based on a combination of service as an elected county official and as a full-time employee in a covered position.

(c) In the case of a person whose term of office commences after the election on November 5, 2002, as Auditor of State, Secretary of State, or Treasurer of State, and who is prohibited by Article 6, Section 1 of the Constitution of the State of Indiana from serving in that office for more than eight (8) years during any period of twelve (12) years, that person shall be vested with at least eight (8) years of creditable service as a member of the fund.

(d) This subsection applies to an individual elected to the office of treasurer of state at the election on November 7, 2006. The individual shall be vested if the individual is reelected as treasurer of state at the 2010 general election and serves in the office until January 1, 2015.

SECTION 104. IC 9-24-2.5-6, AS AMENDED BY P.L.164-2006,

SECTION 138, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE UPON PASSAGE]: Sec. 6. A manager or an employee
may use any of the following methods to transmit paper copies of voter
registration applications under section 4 of this chapter:

(1) Hand delivery to the county voter registration office.

(2) ~~Certified mail, return receipt requested.~~ **Delivery by the
United States Postal Service, using first class mail.**

SECTION 105. IC 9-24-2.5-8 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. ~~(a)~~ The
~~co-directors of the~~ election division shall provide the commission with
a list of the current addresses and telephone numbers of the offices of
the ~~circuit court clerk or board of county voter~~ registration office in
each county. The commission shall promptly forward the list and each
revision of the list to each license branch.

~~(b) The co-directors of the election division shall provide the
commission with pre-addressed packets for the commission to transmit
applications under section 6(1) or 6(2) of this chapter.~~

SECTION 106. IC 16-37-1-11 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) The state
department shall charge and collect a fee of eight dollars (\$8) for each
search of the records in the division of vital records. If the requested
record is found, one (1) certification of the record will be issued
without charge. Additional certifications of the same record will be
issued at that time for an additional fee of four dollars (\$4) for each
record.

(b) The state department shall charge and collect an additional fee
of eight dollars (\$8) for any amendment to a record previously filed
with the division of vital records.

(c) Verification without charge will be issued to an agency of local,
state, or federal government upon written request by the agency.

**(d) Verification and issuance of a certification or amendment of
a record under this section must be issued without the payment of
a fee or charge to an individual who:**

(1) does not have a valid Indiana driver's license; and

**(2) will be at least eighteen (18) years of age at the next
general, municipal, or special election.**

SECTION 107. IC 16-37-1-11.5 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11.5. **(a)** In addition to

the fee charged by the state department under section 11 of this chapter for a search of the records in the division of vital records, the state department shall charge a birth problems registry fee of two dollars (\$2) for each search of the records for a birth certificate. The fees collected under this section shall be deposited in the birth problems registry fund established by IC 16-38-4-17.

(b) Verification must be issued without the payment of a birth problems registry fee under this section to an individual who:

(1) does not have a valid Indiana driver's license; and

(2) will be at least eighteen (18) years of age at the next general, municipal, or special election."

Page 17, between lines 34 and 35, begin a new paragraph and insert:
"SECTION 109. IC 36-2-9-9 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) The auditor may
administer the following:

(1) Oaths necessary in the performance of the auditor's duties.

(2) The oath of office to an officer who receives the officer's certificate of appointment ~~or election~~ from the auditor.

(3) Oaths relating to the duty of an officer who receives the officer's certificate of appointment ~~or election~~ from the auditor.

(4) The oath of office to a member of the board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal).

(b) The auditor may take acknowledgments of deeds and mortgages executed for the security of trust funds the auditor is required to lend.

SECTION 110. IC 36-5-1-10.1 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10.1. (a) Except as
provided in subsection (g), if the county executive makes the findings
required by section 8 of this chapter, it may adopt an ordinance
incorporating the town. The ordinance must:

(1) provide that:

(A) all members of the town legislative body are to be elected
at large (if the town would have a population of less than three
thousand five hundred (3,500)); or

(B) divide the town into not less than three (3) nor more than
seven (7) districts; and

(2) direct the county election board to conduct an election in the
town on the date of the next general or municipal election to be

1 held in any precincts in the county.
 2 An election conducted under this section must comply with IC 3
 3 concerning town elections. ~~If on the date that an ordinance was adopted~~
 4 ~~under this section, absentee ballots for a general or municipal election~~
 5 ~~have been delivered under IC 3-11-4-15 for voters within a precinct in~~
 6 ~~the town, is not later than June 1 of a general or municipal election~~
 7 **year**, the election must be conducted on the date of the next general or
 8 municipal election held in any precincts in the county after the election
 9 for which absentee balloting is being conducted. However, a primary
 10 election may not be conducted before an election conducted under this
 11 section, regardless of the population of the town.

12 (b) Districts established by an ordinance adopted under this section
 13 must comply with IC 3-11-1.5.

14 (c) If any territory in the town is not included in one (1) of the
 15 districts established under this section, the territory is included in the
 16 district that:

- 17 (1) is contiguous to that territory; and
- 18 (2) contains the least population of all districts contiguous to that
- 19 territory.

20 (d) If any territory in the town is included in more than one (1) of
 21 the districts established under this section, the territory is included in
 22 the district that:

- 23 (1) is one (1) of the districts in which the territory is described in
- 24 the ordinance adopted under this section;
- 25 (2) is contiguous to that territory; and
- 26 (3) contains the least population of all districts contiguous to that
- 27 territory.

28 (e) Except as provided in subsection (f), an ordinance adopted under
 29 this section becomes effective when filed with:

- 30 (1) the office of the secretary of state; and
- 31 (2) the circuit court clerk of each county in which the town is
- 32 located.

33 (f) An ordinance incorporating a town under this section may not
 34 take effect during the year preceding a year in which a federal
 35 decennial census is conducted. An ordinance under this section that
 36 would otherwise take effect during the year preceding a year in which
 37 a federal decennial census is conducted takes effect January 2 of the
 38 year in which a federal decennial census is conducted.

(g) Proceedings to incorporate a town across county boundaries must have the approval of the county executive of each county that contains a part of the proposed town. Each county that contains a part of the proposed town must adopt identical ordinances providing for the incorporation of the town.

SECTION 111. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 3-5-4-6; IC 3-7-36-11; IC 3-11-3-4; IC 3-11-8-6.5; IC 3-11-11-1.5; IC 3-11-11-1.6.

SECTION 112. IC 3-11-10-1.2 IS REPEALED [EFFECTIVE JANUARY 1, 2008].

SECTION 113. [EFFECTIVE UPON PASSAGE] (a) **The definitions in IC 3-5-2 apply throughout this SECTION.**

(b) This SECTION applies to a proposed precinct establishment order that:

(1) was filed with the election division not later than January 31, 2007;

(2) received technical comments that were transmitted from the office to the election division not later than January 31, 2007, concerning all or a portion of the order; and

(3) was not approved by the commission or the election division under IC 3-11-1.5 before February 1, 2007.

(c) Before September 1, 2007:

(1) the commission; or

(2) the election division;

may approve a proposed precinct establishment order described in subsection (b) that has been revised by the election division in response to technical comments or to ensure compliance with state law.

(d) Notwithstanding IC 3-11-1.5-25, a precinct establishment order approved under this SECTION is effective following:

(1) the adoption of the order by the county executive under IC 3-11-1.5-18(e); or

(2) the approval of the order by the commission under IC 3-11-1.5-18(f).

(e) This SECTION expires December 31, 2007.

SECTION 114. [EFFECTIVE UPON PASSAGE] (a) **IC 3-11-17-2, IC 3-11-17-3, and IC 3-11-17-4, all as amended by this act, apply to a violation that occurs after June 30, 2007.**

- 1 **(b) This SECTION expires July 1, 2012.**
 2 SECTION 115. [EFFECTIVE JULY 1, 2007] **(a) A form**
 3 **prescribed by the Indiana election commission and acceptable for**
 4 **use by a candidate before July 1, 2007, under IC 3-8-2-2.5,**
 5 **IC 3-8-5-10.5, or IC 3-8-6-12, before their amendment by this act,**
 6 **is acceptable for use by a candidate after June 30, 2007.**
 7 **(b) This SECTION expires January 1, 2008.**
 8 SECTION 116. [EFFECTIVE JULY 1, 2007] **(a) The definitions**
 9 **in IC 3-5-2 apply throughout this SECTION.**
 10 **(b) An envelope printed before July 1, 2007, in conformity with**
 11 **IC 3-11-10-8, before its amendment by this act, may continue to be**
 12 **used by a county election board until December 31, 2007. An**
 13 **envelope used under IC 3-11-10-8 after December 31, 2007, must**
 14 **comply with IC 3-11-10-8, as amended by this act.**
 15 **(c) This SECTION expires December 31, 2008."**
 16 Page 17, delete lines 35 through 36.
 17 Renumber all SECTIONS consecutively.
 (Reference is to HB 1804 as reprinted February 21, 2007.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 3.

Lawson C

Chairperson